



S.ANo.49 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	22.08.2025
<i>Pronounced on</i>	14.11.2025

Coram:

The Honourable Mrs. Justice K.GOVINDARAJAN THILAKAVADI

Second Appeal No.49 of 2019
and C.M.P.No.1047 of 2019

Nachammal

.. Appellant

versus

1. C. Murugesan
2. C. Senthilkumar

Karuppathal (Died)

3. Subramaniam

.. Respondents

Prayer: Second Appeal is filed under Section 100 CPC, praying to set aside the judgement and decree dated 27.03.2018 made in A.S.No.43 of 2017 on the file of the learned I Additional District and Sessions Judge, Tiruppur reversing the judgment and decree dated 08.06.2017 made in I.A.No.14 of 2012 in O.S. No. 174 of 2007 on the file of the learned Additional Sub-ordinate Judge, Tiruppur.



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For Appellant : Mr. V.P. Sengottuvel, Senior Advocate
for Mr. K.R. Nishanth
For Respondents : Mr. T. Murugamanickam, Senior Advocate
For Mr. K. Govi Ganesan for R1 and R2,
Mr. N. Mayilsamy for R3

JUDGMENT

This Second Appeal is preferred challenging the judgment and decree dated 27.03.2018 made in A.S.No.43 of 2017 on the file of the learned I Additional District and Sessions Judge, Tiruppur reversing the judgment and decree dated 08.06.2017 made in I.A.No.14 of 2012 in O.S. No. 174 of 2007 on the file of the Additional Sub-ordinate Judge, Tiruppur.

2.The defendants in O.S.No.174 of 2007 on the file of Additional Sub Court,Tiruppur have filed the petition in I.A.No.14/2012 under Order 7 Rule 11(d) of CPC to reject the plaint.

3.The brief contents of the petition is that the respondents/plaintiffs have filed the suit for setting aside the decree passed in O.S. No.637/1994,



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Sub-Court, Tirupur, for declaration of title and for Permanent Injunction.

The petitioners filed a suit for partition and separate possession against the grandfather of the respondents/plaintiffs and his brother regarding the properties under the suit survey fields in O.S.637/1994. The respondents/plaintiffs' grandfather and his brothers have not chosen to file written statement and they were set exparte and preliminary decree was passed on 02.01.1997. Subsequently in final decree (I.A.1717/1999) proceedings the respondent/plaintiffs' grand father was served with notice and he remained ex-parte and final decree was passed on 24.09.2001. Subsequently first and second petitioner filed an execution petition in E.P.74/2003. During execution proceedings, the grandfather of respondents/plaintiffs died and steps were taken to implead these respondents/plaintiffs. The respondents also appeared in the said execution proceedings on 08.01.2004. Meanwhile, the brother of respondent's grandfather filed a petition in I.A. No.1575/2003 to set aside the decree passed in 1997 along with section 5 application after lapse of 7 years. After detailed enquiry the trial Court was pleased to dismiss the petition and



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revision was preferred against the order before this court in CRP No.105/2006 and the same was also dismissed and thereby the decree passed in O.S.637/1994 became final. The respondents being party to the above proceeding are estopped from filing the present suit by suppressing all the above material facts. If at all the respondents/plaintiffs have any objection or valid grounds, they ought to have raised it in the execution proceedings alone and not by way of fresh suit as the same is prohibited by the express provision given under section 47(1) of the Civil Procedure Code. The respondents/plaintiffs had instigated his relative Palanisamy to file a vexatious suit in O.S. 386/2006 for Permanent Injunction. The same is also pending before the District Munsif Court, Tirupur. The respondents/plaintiffs are fully aware of all the above proceedings. That being so, the respondents/plaintiffs stepping into the shoes of their grand father Rakkiappa Gounder who is the 1st defendant in the previous suit in O.S.637/1994 has chosen to file the present suit and they are estopped from filing this suit. Hence, there is no cause of action arose and suit is squarely barred by limitation. It is further stated that the respondents/plaintiffs are



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claiming right over the property through their grandfather as his legal heirs and they cannot say that the decree in O.S.637/1994 against their grandfather will not bind them as they are not parties in the above suit. The present suit is also barred by the Principles of *Res-Judicata*. The pleadings revealed in the plaint itself is sufficient to prove that the present suit is not maintainable under law. Further, the plaintiffs have categorically and candidly admitted about the earlier proceedings and its results. Further the plaintiffs candidly pleads and claims right over the suit property only as legal heirs of the deceased Rakkiappa Gounder, who is the 1st defendant in the previous suit. As such the plaint has to be rejected under law. Hence this petition.

4.The respondents/plaintiffs have filed their counter stating that they had no knowledge about the earlier suit, since they were are not added parties in the earlier suit. Only during the said execution proceedings, the respondents/plaintiffs were made as parties, consequent to the death of the Rakkia Gounder in the year 2003. Only then, the respondents/plaintiffs came to know about the earlier proceedings. None of the proceedings were



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known to the respondents/plaintiffs prior to that. In paragraph No. 16 of the plaint the cause of action for the suit is clearly mentioned. Hence, the contention of the appellant/defendant that there is no cause of action for the suit is incorrect. Moreover, the petition for rejection of plaint is highly belated and that too after 5 years of filing the present suit. Hence, prayed for dismissal of the petition.

5.The learned trial Judge after hearing both sides passed the order dated 08.06.2017 allowed the above petition making the following observations:

"(i)that already preliminary decree and final decree was passed in O.S.No.637/1994 and also on the basis of the final decree, execution petition in I.A.No.73/2003 (in O.S.No.637/1994) is pending on the file of the Sub Court, Tiruppur. In the above said execution petition these respondents were also appeared and contesting. Therefore, the respondents if at all, any objection, they have to raise before execution petition and they have no *locus standi* to file this suit.

(ii) that there is no cause of action arises to file this present suit and



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further even though the respondents filed counter statement but they have not specifically stated how this suit is maintainable and also they have not given any explanation with regard to question of law raised in the petition filed by the petitioners/defendants 2 and 3. On perusal of petition averments and also considering petitioner side documents marked as Ex.P.1 to P.12 and also the decisions relied and cited as mentioned above by the learned counsel for the petitioners/defendants 2 & 3, this Court also comes to the conclusion that they have established the petition averments stated in the petition. In view of the above said reasons this Court decides that this petition is to be allowed and thereby plaint is to be rejected."

6.Assailing the said order, the plaintiff preferred the appeal suit in A.S.No.43 of 2017 before the Principal District Court, Tiruppur. The first Appellate Court allowed the appeal by setting aside the order made in I.A.No.14/2017 in O.S.No.174/2007 passed by the trial Court. Aggrieved by this, the present second appeal is preferred by the defendants, contending that the lower Appellate Court has not considered the issue in proper perspective which led to the passing of the impugned judgment and prayed



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for setting aside the order of the 1st Appellate Court and to allow I.A.No.14/2012 and reject the plaint in O.S.No.174/2007.

7.This second appeal is admitted on the following substantial questions of law:

1.Whether the lower Appellate Court is right in holding that principle of res judicata is a mixed question of fact and law and that it can be decided only at the trial stage?

2.Whether the lower Appellate Court is right in holding that the law of limitation is a mixed question of fact and law and that it can be decided only at the trial stage?

3.Whether the lower Appellate Court is right in allowing the appeal and thereby dismissing this appellant's petition for rejection of plaint when the suit in O.S.No.174 of 2007 filed before the Sub Court, Tiruppur during March/April 2007 to set aside the preliminary decree dated 02.01.1997 made in O.S.No.637 of 1994 or to declare the said decree is not binding on the plaintiffs is clearly, barred by limitation which is a ground under Order 7 Rule 11 (d) of the Code of Civil Procedure for rejection of plaint?



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4. *Whether the Lower Appellate Court is right in allowing the appeal and thereby dismissing this appellant's petition for rejection of plaint, when the present suit is clearly barred by the principles of res judicata in terms of Section 11 of the Code of Civil Procedure and hit by Section 47 (1) of the Code of Civil Procedure?*

8.The learned counsel for the appellant/defendant submits that, the plaintiffs are bound by the judgment and decree passed in O.S.No.637/1994 and are estopped from filing the present suit by suppressing the previous proceedings, is nothing but sheer abuse of process of Court, which is also expressly barred under Section 47 (1) of CPC. The lower Appellate Court by its judgment and decree dated 27.03.2018 allowed the appeal on the ground that the issue of *res judicata* can be decided only at the time of trial and the plaint. The said findings of the lower appellate Court is erroneous which warrants interference by this Court. The judgment relied by the lower appellate Court in the case ***P.Shyamala Vs. Ravi*** reported in **(2015) 3 CTC 259** to hold the issue of *res judicata* is a mixed question of law and fact and that to be decided only in the suit is not applicable to the facts of the



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present case. In the above cited case, the observation was with regard to the technical bar under Order 2 Rule 2 of CPC and the same cannot be a ground for rejection of plaint. Neither the issue of res judicata or limitation was decided in the above case. Hence, prayed for allowing the second appeal.

9. On the other hand, it is the contention of the learned counsel for the plaintiffs/respondents 1 & 2 and the 3rd respondent that the suit in O.S.No.174/2007 was filed by the plaintiffs seeking a relief of declaration that the proceedings and decree in O.S.No.637/94 on the file of the Sub Court, Tiruppur is not binding on the plaintiffs and therefore, prayed to set aside the decree passed in O.S.No.637/1994. The First Appellate Court has rightly applied the established principles of law that while deciding an application under Order 7 Rule 11 (d) of Code of Civil Procedure, only the pleadings made in the plaint are to be considered and rightly dismissed the application for rejection of plaint. He would further contend that the 2nd suit will be barred under the principle of *res judicata* only if the earlier and the later suit are directly and substantially in issue, and if that the said suits are



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between the same parties or between parties under whom any of them are litigating under the same title in a competent Court to try such subsequent suit and when the earlier suit has been heard and finally decided by the Court. Since the earlier suit was not between the same parties and the matter directly and substantially in issue in both the suits are not the same, the First Appellate Court rightly dismissed the application for rejection of plaint. He would further submit that the First Appellate Court also considered the pleadings made in the plaint with respect to knowledge of the decree in O.S.No.637/1994 and rightly held that the question of limitation is mixed with question of law and fact and the same cannot be decided in a petition for rejection of plaint. To support his contention, he has relied upon the judgement in the cases of

1. ***Shri Mukund Bhavan Trust and Ors Vs. Shrimant Chhatrapathi Udayan Raje Pratapsinh Maharaj Bhonsle and another*** before the Hon'ble Supreme Court in ***Civil Appeal No. 14807 of 2024***

2. ***Shkuntala Vasant Pahadi and Ors Vs. Purushottam Vasanth Pethe***



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and Ors Reported in **(2007) 3 SCC 123**

3. ***Nikhila Divyand Mehta & another Vs. Hitesh P. Sanghvi***

reported in **2025 INSC 485**

4. ***C.S. Ramaswamy Vs. V.K. Senthil and others***

reported in **2022 SCC Online SC 1330**

Hence, prayed for dismissal of the second appeal.

10. Heard on both sides, records perused.

11. In Civil procedural law, an issue of perennial controversy is whether a plaint can be rejected, within the meaning of Order 7 Rule 11 of the CPC, on the ground that the suit instituted *inter se* the parties, is barred by the principles of res judicata. Recently, in ***Pandurangan vs. T. Jayarama Chettiyar and anr.***, reported in **2025 SCC Online SC 1425** the Hon'ble Supreme Court had the occasion to examine this issue.

12. First and Foremost, the Hon'ble Supreme Court noted that Order 7 Rule 11 (d) of CPC provides that the plaint shall be rejected "*where the suit*



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appears from the statement in the plaint to be barred by any law". Hence, in order to decide whether the suit is barred by any law, it is the statement in the plaint which will have to be construed. It was observed :

"The Court while deciding such an application must have due regard only to the statements in the plaint. Whether the suit is barred by any law must be determined from the statements in the plaint and it is not open to decide the issue on the basis of any material including written statement in the case."

13.The Hon'ble Supreme Court referred to Section 11 CPC and enunciated the Rule of *res judicata* thus: A Court shall not try any suit or issue in which the matter that is directly in issue has been directly or indirectly heard and decided in a "former suit". Therefore, for the purpose of adjudicating on the issue of *res judicata*, it is necessary that the same issue, raised in the present suit has been adjudicated in the former suit. In ***V.Rajeshwari Vs. T.C.Saravanabava***, reported in ***(2004) 1 SCC 551*** wherein the Hon'ble Supreme Court discussed the plea of *res judicata* and the particulars that would be required to prove the plea. It was held that it is



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necessary to refer to the copies of pleadings, issues and judgments of the "former suit" while adjudicating on the plea of res judicata.

14.Following the law laid down in a catena of judicial precedents including **Kamala Vs. KT Eshwara Sa, (2008) 12 SCC 661; Church of Christ Charitable Trust & Educational Charitable Society v. Ponniamman Educational Trust, (2012) 8 SCC 706;** and **Soumitra Kumar Sen v. Shyamal Kumar Sen, (2018) 5 SCC 644**, the Hon'ble Supreme Court summarised the guiding principles for deciding an application under Order 7 Rule 11(d) of CPC:

(1) To reject a plaint on the ground that the suit is barred by any law, only the averments in the plaint will have to be referred to;

(ii) The defense made by the defendant in the suit must not be considered while deciding the merits of the application;

(i) To determine whether a suit is barred by res judicata, it is necessary that:

(a) the 'previous suit' is decided,

(b) the issues in the subsequent suit were directly and substantially in issue in the former suit;



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(c) the former suit was between the same parties or parties through whom they claim, litigating under the same title; and

(d) that these issues were adjudicated and finally decided by a court competent to try the subsequent suit and

(iv) Since an adjudication of the plea of *res judicata* requires consideration of pleadings, issues and decision in the 'previous suit, such a plea will be beyond the scope of Order 7 Rule 11(d), where only the statements in the plaint will have to be perused.

15. In Pandurangan case, the Hon'ble Supreme Court reiterated the settled position of law that Order 7 Rule 11 (d) CPC does not allow a defendant to argue before a Civil Court, that the suit is barred by *res judicata*. Within the purview of Order 7 Rule 11, only the statements set out in the plaint are to be examined. Nothing else and no other material ought to be considered. If on the reading of the plaint alone, it appears that the suit cannot proceed further then the plaint can be rejected. Since issue such as whether the suit is barred by *res judicata* involve the assessment of a whole array of other material, including the judgments and pleadings in the previous suit between the parties, Order 7 Rule 11 CPC is not the



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appropriate provision to be invoked by a defendant to have the plaint rejected.

16. *In Srihari HanumandasTotala v. Hemant Vithal Kamat & Ors*, reported in (2021) 9 SCC 99. the Supreme Court distilled the essence on how to adjudge cases in which the defendant raises the argument that the plaint ought to be rejected on the ground of res judicata. It was declared that on a perusal of the above authorities, the guiding principles for deciding an application under Order 7 Rule u(d) can be summarized as follows:

- (i) To reject a plaint on the ground that the suit is barred by any law, only the averments in the plaint will have to be referred to;
- (ii) The defense made by the defendant in the suit must not be considered while deciding the merits of the application;
- (iii) To determine whether a suit is barred by res judicata, it is necessary that (i) the 'previous suit' is decided, (ii) the issues in the subsequent suit were directly and substantially in issue in the



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former suit; (iii) the former suit was between the same parties or parties through whom they claim, litigating under the same title; and that these issues were adjudicated and finally decided by a court competent to try the subsequent suit; and

(iv) Since an adjudication of the plea of res judicata requires consideration of the pleadings, issues and decision in the previous suit, such a plea will be beyond the scope of Order 7 Rule 1 (d), where only the statements in the plaint will have to be perused."

17. What thus emerges is that the determination of whether a fresh suit is barred by the principles of res judicata is an assessment which cannot be undertaken only by examining the plaint as it stands. Since material, other than the plaint, must be examined to adjudicate this claim, it is not appropriate for this adjudication to be undertaken within the four corners of Order 7 Rule 11 of CPC. For this reason, the SC in Panduragan after surveying the law, declared:

"....This Court has held that such circumstances require an



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in-depth examination of the previous decree, and its impact on the second suit. Res judicata cannot be decided merely on assertions made in the application seeking rejection of plaint."

But although the defendant cannot raise these grounds in proceedings under Order 7 Rule 11, it is not that the defendant's rights to have this grievance address is foreclosed. In other words, the claim that the suit is barred by res judicata can be examined as a preliminary issue by a civil court, rather than being subjected to a full-fledged trial."

*Notably, in **Jamia Masjid v. K.V. Rudrappa**, (2022) 9 SCC 225 [26], [27], the Supreme Court held:*

"The court while undertaking an analysis of the applicability of the plea of res judicata determines first, if the requirements of Section 11 CPC are fulfilled; and if this is answered in the affirmative, it will have to be determined if there has been any material alteration in law or facts since the first suit was decreed as a result of which the principle of res judicata would be inapplicable.

We are unable to accept the submission of the appellants



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that res judicata can never be decided as a preliminary issue. In certain cases, particularly when a mixed question of law or fact is raised, the issue should await a full-fledged trial after evidence is adduced. "

18. Applying the principles laid down in the judgments referred above, Order 7 Rule 11 (d) CPC ordains that the material contained in the plaint alone is dispositive to any determination about whether the suit should proceed further, other material, including those provided by the defendant cannot be taken into account when making such a determination. To establish the claim that the suit is barred by res judicata, defendant will have to adduce a whole range of materials from the previous suit. This is not permissible within the scheme of Order 7 Rule 11 CPC. It is the further contention of the learned counsel for the respondent that the suit in O.S.No.637/1994 was filed on 10.11.1994, where as the said Rakkiappan, grandfather of the plaintiffs herein had already settled his share by a registered settlement deed dated 19.08.1994 i.e., three months prior to the filing of the above suit, in favour of his grandsons, the plaintiffs herein.



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Therefore, it has to be elucidated that whether the earlier suit has been filed against a person who had no interest in the suit property on the date of filing the suit. The present plaintiffs were impleaded only in the execution proceedings in the above suit as legal heirs of Rakkiappan. According to the plaintiffs, the defendants herein obtained a fraudulent decree in O.S.No.637/1994, which is a matter for adjudication. The basic method to decide the question of *res judicata* is to first determine the case of the parties as put forward in their respective pleadings of their previous suit and then to find out as to what had been decided by the judgment which operates as *res judicata*. It is risky to speculate about the pleadings merely by a summary of recitals of the allegations made in the pleadings. Considering the material on record, the First Appellate Court was of the view that the plaint, on the face of it, did not disclose any fact that may lead to the conclusion that it deserve to be rejected on the ground that it was barred by principles of *res judicata*. Since the plea of *res judicata* is found on the proof of certain facts and then by applying the law to the facts so found.



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19.The next contention of the learned counsel for the appellants/defendants and 3rd respondent is that the suit is clearly barred by limitation, as the preliminary decree was passed on 02.01.1997. But the present suit to set aside the decree passed in O.S.No.637/1994 came to be filed only on 25.04.2007. The learned counsel submits that when the averments made in the plaint itself does not disclose that the present suit is well within the period of limitation and the plaint ought to have been rejected at the threshold on the ground of limitation. The learned counsel further submits that, the limitation would reckon from the date of knowledge and that the limitation has to run from the date when the cause of action first accrued and not any subsequent date for the cause of action. The plaint must disclose the actual date of knowledge about the earlier suit. He would submit that though the law of limitation is a mixed question of fact and law, in cases like this, where it is glaring from the plaint averments that the suit is hopelessly barred by limitation, the same has to be rejected at the threshold. He would further submit that in the absence of any allegation and proof that against the grandfather of the plaintiffs, showing collusion with



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the plaintiffs in the earlier suit, the present suit cannot be entertained. The learned counsel for the 3rd respondent would contend that even the averments and allegations with respect to knowledge of the plaintiffs averred in the plaint said to be too vague. Nothing has been mentioned on which date and how the plaintiffs had the knowledge about the judgement and decree passed in the earlier suit was obtained by fraud and misrepresentation. It is only averred in the plaint that the suit is filed immediately after coming to know of the fraud committed by the defendants and after getting copies of the document. He would submit that the averments and allegations in the plaint with respect to fraud are not supported by any further averments and allegations as to how the fraud has been committed. Mere statement in the plaint that a fraud has been played is not enough and the allegations of fraud must be specifically averred in the plaint, otherwise merely by using the word "fraud", the plaintiffs would try to get the suits within the limitation, which otherwise may be barred by limitation. The plaintiffs cannot be permitted to bring the suits within the period of limitation by clever drafting, which otherwise is barred by



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limitation.

20.No doubt, the Courts should exercise the power under Order 7 Rule 11 CPC taking care to see that the grounds mentioned therein is fulfilled. If clever drafting has created the illusion of a cause of action, it has to be nipped in the bud at the earliest so that frivolous litigation will end at the earlier stage. A plaint can be rejected if it is clearly barred by the law of limitation, but only if the suit is barred by limitation as a matter of law that is evident from the face of the plaint itself. The Court cannot reject the plaint if the question of limitation is a mixed question of law and fact that requires evidence. The pleadings in the plaint must clearly show that the suit is barred by limitation, without needing any further evidence. If determining limitation requires examining facts, such as when the plaintiff gained knowledge of the cause of action, the plaint cannot be rejected at the initial stage and must be decided during the trial. A rejection under Order 7 Rule 11 CPC is a drastic power and should not be exercised if facts need to be examined to determine limitation. At the same time, it is not that the



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appellants/defendants are denied of their rights from challenging the sanctity of the plaint at the threshold stage. They may have a good case to argue that the plaintiffs' present suit is barred by the principles of *res judicata* and limitations. It is only that, the appellants/defendants cannot raise these grounds in proceedings under Order 7 Rule 11 CPC. It is not that the appellants/defendants rights are foreclosed. In other words, the claim that the suit is barred on the grounds of *res judicata* and limitation, the same can be examined as a preliminary issue by a Civil Court, rather than being subjected to a full-fledged trial. The provision which has to be looked at is Order 14 Rule 2 CPC which reads as follows:

Order 14 Rule 2. Court to pronounce judgment on all issues:

(2) Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only. it may try that issue first if that issue relates to-

(a) the jurisdiction of the Court, or

(b) a bar to the suit created by any law for the time



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being in force.

and for that purpose may, if it thinks fit, postpone the settlement of the other issues until after that issue has been determined, and may deal with the suit in accordance with the decision on that issue ."

21. Therefore, the question of limitation and *res judicata* can also be tried as preliminary issue taking recourse to Order 14 Rule 2 CPC. The Court can frame and try preliminary issues under Order 14 Rule 2 CPC. It can then allow the defendant to furnish the relevant material to substantiate the claim that the suit is barred under the principles of *res judicata* or limitation as enumerated in Section 11 CPC.

22. The further contention of the learned counsel for the appellant/defendant is that the present suit is barred under Section 47 (1) of CPC. No doubt, Section 47 of the Civil Procedure Code prevents separate civil suits regarding the execution, discharge, or satisfaction of a decree



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between the original parties or their representatives; such matters are to be resolved by the Executing Court. The primary purpose of Section 47 is to prevent multiple litigations by requiring all questions related to the execution of a decree to be determined by the executing Court, rather than by a separate suit. However, this jurisdiction has specific limits. While a separate suit is generally prohibited for matters within the scope of Section 47 of CPC, exceptions exist. A separate suit might be possible for issues raised by the parties not involved in the original suit, especially if they claim an independent interest. Matters unrelated to the decree's execution, discharge, or satisfaction or also outside Section 47's scope. Additionally, if the decreeing Court lacked inherent jurisdiction or if the CPC provides no adequate relief, a separate suit might be considered in rare circumstances.

23. In the present suit, the relief claimed by the plaintiffs is to nullify the decree passed in O.S.No.637 of 1994 stating that even before filing of the above suit, the suit properties were settled in favour of the plaintiffs. In a petition under Section 47 of the Civil Procedure Code, the executing



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Court cannot generally nullify a decree passed in an earlier suit, as its jurisdiction is limited to the question regarding the execution, discharge , or satisfaction of the decree. The Executing Court is bound by the decree and cannot go behind it or question its correctness or validity. Hence, the arguments put forth in this regard by the learned counsel for the appellant/defendant is unsustainable.

24.For the above stated reasons, the plaint in O.S.No.174 of 2007 is not liable to be rejected under Order 7 Rule 11 CPC. The judgment of the first Appellate Court is affirmed. It is however clarified that this Court do not express any opinion as to whether the present suit in O.S.No.174 of 2007 is barred under the principles of *res judicata* or limitation. Liberty is given to the appellants/ defendants to raise the above issues before the trial Court.

25.In the result,

(i) the second appeal is dismissed.

(ii) the judgment and decree dated 27.03.2018 made in A.S.No.43 of 2017 on the file of the learned I Additional District and Sessions Judge,



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Tiruppur, reversing the judgment and decree dated 08.06.2017 made in I.A.No.14 of 2012 in O.S. No. 174 of 2007 on the file of the learned Additional Sub-ordinate Judge, Tiruppur is upheld. No costs. Consequently, connected miscellaneous petition is also closed.

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vsn

Index: Yes/No

Speaking order / Non-speaking order

To

- 1.The I Additional District and Sessions Judge, Tiruppur
- 2.The Additional Sub-ordinate Judge, Tiruppur
- 3.The Section Officer, VR Section, High Court, Madras



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K.GOVINDARAJAN THILAKAVADI,J.

vsn

**Pre-delivery judgment made in
Second Appeal No.49 of 2019
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