

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.02.2025

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**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P.(NPD)(MD)No.356 of 2025**

**and**

**C.M.P(MD)No.2024 of 2025**

1.D.Sundarrajan

2.S.Keerthana

...Petitioner/Petitioner/Defendants No.7 & 8

Vs.

1.P.Manimala

2.R.Kalaimathi

...Respondent/Respondents 1 &2/  
Plaintiff 1 & 2

3.S.Elango

4.E.Sakthi

5.Mangala Kumar

6.Thaniya Surthi

7.Srinithi

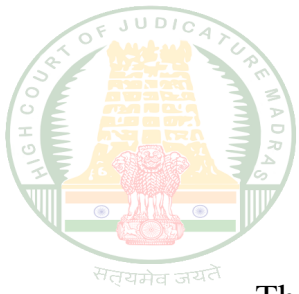
8.Vishnu Ragavan

...Respondents/Respondents 3 to 8/  
Defendants 1 to 6

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, against the order passed by the learned District Munsif Judge, Paramakudi, Ramanathapuram District in I.A.No.3 of 2024 in O.S.No.2 of 2013, dated 30.09.2024.

For Petitioners : M/s.M.Dhanalakshmi

\* \* \* \* \*



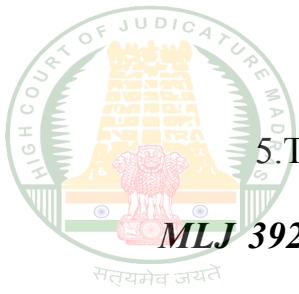
## **ORDER**

The defendants 7 and 8 in O.S.No.2 of 2013 on the file of the District Munsif Court, Paramakudi, Ramanathapuram, are the revision petitioners herein.

2.The above said suit has been filed by the respondents 1 and 2 herein, for the relief of declaration and permanent injunction.

3.Pending suit, the defendants 7 and 8 have filed I.A.No.3 of 2024 seeking to reject the plaint invoking Order VII and Rule 11(d) of C.P.C. on the ground that the said issue has already been decided in O.S.No.933 of 2014. The trial Court after considering the submissions on either side has dismissed the application on the ground that the issue of *res judicata* cannot be decided under Order 7 Rule 11(d) of C.P.C., Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioners, since the said issue had already been decided in the previous suit, it would operate as *res-judicata* and therefore, the plaint has to be rejected invoking Order 7 Rule 11(d) of CPC.



5.The Hon'ble Supreme Court in a recent decision reported in (2023) 6 **MLJ 392 (SC)** has categorically held that the issue of *res judicata* could not have been decided on an application under Rule 11 of Order VII of CPC as examination of the said issue involves consideration of pleadings in the earlier suit, the judgment of the trial Court and the judgment of the appellate Court.

6.In view of the said judgment of the Hon'ble Supreme Court, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed with liberty to the revision petitioners to raise the same issue during trial. No costs. Consequently, connected miscellaneous petition is also closed.

**10.02.2025**

Internet:Yes/No  
Index:Yes/No  
RJR

To

The learned District Munsif Judge,  
Paramakudi, Ramanathapuram District.

**Copy to:-**

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**C.R.P.(NPD)(MD)No.356 of 2**



**R.VIJAYAKUMAR, J.**

RJR

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