



C.R.P.(NPD)(MD).Nos.907 and 1522 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.907 and 1522 of 2025
and
C.M.P.(MD)Nos.4857 and 7706 of 2025

Vasantha Gladious Daisy

... Petitioner in both petitions

Vs.

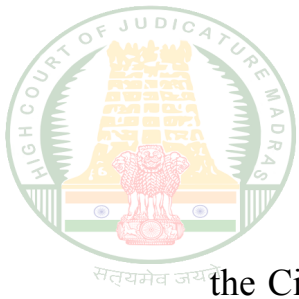
1.Indhira
2.Siluvia Jeevana
3.Christy Sudha
4.Byula Sumathi
5.Angel Ranjani
6.Raja Amlarj @ Rajadurai Amalraj

...Respondents in C.R.P.
(MD)No.907/2025

1.Raja Amlarj @ Rajadurai Amalraj
2.Indhira
3.Siluvia Jeevana
4.Christy Sudha
5.Byula Sumathi
6.Angel Ranjani

... Respondents in C.R.P.
(MD)No.1522/2025

COMMON PRAYER: Civil Revision Petitions - filed under Section 115 of



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the Civil Procedure Code, to struck off the plaint filed in O.S.No.70 of 2024 and 194 of 2023 on the file of the Sub Court, Tiruchendur and Principal District Court, Tuticorin, respectively.

In C.R.P.(MD)No.907/2025:

For Petitioner : Mr.M.Arjun Varman
for M/s.Roy and Roy Associates
For R1 to R5 : Mr.B.Arun
For R6 : Mr.N.Balasubramanian

In C.R.P.(MD)No.1522/2025:

For Petitioner : Mr.M.Arjun Varman
for M/s.Roy and Roy Associates
For R2 to R6 : Mr.B.Arun
For R1 : Mr.N.Balasubramanian

COMMON ORDER

These Civil Revision Petitions are filed seeking to strike off the plaints in O.S.Nos.70 of 2024 and 194 of 2023 on the file of the Sub Court, Tiruchendur and Principal District Court, Tuticorin, respectively in respect of the property in S.No.574/2 situated at Jebanyanapuram Street, Sathankulam Town Panchayat, Palayamkottai.



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2.The petitioner in both petitions is the second and sixth defendant in the suits in O.S.No.70 of 2024 and 194 of 2023 on the file of the Sub Court, Tiruchendur and Principal District Court, Tuticorin, respectively. She filed applications under Order VII Rule 1 of CPC to strike off the respective plaints filed against her on the ground that the fathers of the plaintiffs in both the suits, namely, Arputharaj and Sundarraj, had already filed a suit in O.S.No. 197 of 2000 on the file of the District Munsif Court, Sathankulam seeking declaration and permanent injunction in respect of the very same property, with regard to which the present suit is filed. The said suit was dismissed by the trial Court on 01.09.2004. As against the dismissal of that suit, the fathers of the plaintiffs in both the suits, namely, Arputharaj and Sundarraj preferred an appeal before the Lower Appellate Court in A.S.No.187 of 2004 and the said appeal was also dismissed on 26.10.2006 by confirming the decree granted by the trial Court and the said decree and judgment attained finality as no appeal was preferred as against the same. Because the issue was already decided in a previous suit, now the plaintiffs in both the suits raised the defense of res judicata. Hence, the petitioner filed these petitions seeking



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to strike off the plaints filed by the plaintiffs in both the suits.

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3.The learned counsel for the petitioner submits that admittedly, Arputharaj and Sundarraaj, who are the fathers of the plaintiffs herein have filed a suit for the very same property and the said suit was ended in dismissal. Now after a period of 17 years, the children of the said Arputharaj and Sundarraaj have filed the present suits seeking for the very same relief of declaration and permanent injunction, which is not sustainable. When the earlier declaration suit filed by the fathers of the plaintiffs in both the suits had already been dismissed, which was also confirmed by the lower appellate Court, the suits filed by the respondents herein seeking for the very same relief in respect of the very same subject property is bad in law.

4.The learned counsel appearing for the children of Sundarraaj, who are the respondents 1 to 5 in CRP(MD)No.907 of 2025 submits that all the issues raised before this Court are triable issues and it has to be tried only by the trial Court at the time of trial. This Court is not empowered to invoke the superintending power under Article 227 of the Constitution of India and hence, he prayed for dismissal of the suits.



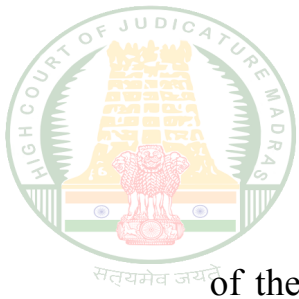
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5.The learned counsel appearing for the son of Arputharaj, who is the sixth respondent in CRP(MD)No.907 of 2025 has adopted the arguments of the learned counsel for the respondents 1 to 5 in CRP(MD)No.907 of 2025.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.Admittedly, the suits in O.S.No.197 of 2000 on the file of the District Munsif Court, Sathankulam, O.S.No.70 of 2024 on the file of the Sub Court, Tiruchendur and the suit in O.S.No.194 of 2023 Principal District Court, Tuticorin are filed in respect of the very same property in S.No.574/2 situated at Jebanyanapuram Street, Sathankulam Town Panchayat, Palayamkottai. When the relief sought for in the suit filed by the fathers of the plaintiffs in both the suits, namely, Arputharaj and Sundarraj had already been decided by the Courts below, the suits filed by the children of the said Arputharaj and Sundarraj seeking for the very same relief in respect of the very same subject property is bad in the eye of law. It is a second round of litigation in respect



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of the very same subject property that too after a period of 17 years of the earlier litigation. The very same contentions cannot be raised in the next round of litigation, therefore, the claim of the plaintiffs is barred by the principle of constructive *res judicata* and hence, the present suits in O.S.No. 194 of 2023 and O.S.No.70 of 2024 are barred by principle *res judicata*.

8.In view of the aforesaid observations, the suits in O.S.Nos.70 of 2024 and 194 of 2023 on the file of the Sub Court, Tiruchendur and Principal District Court, Tuticorin, respectively are hereby struck off and these Civil Revision Petitions are allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Court, Tiruchendur.
- 2.The Principal District Court, Tuticorin,

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Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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