



C.R.P.(PD)(MD).Nos.1154 to 1159 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)Nos.1154 to 1159 of 2025

and

C.M.P(MD) Nos.6231, 6229, 6228, 6227, 6225 and 6224 of 2025

C.R.P(MD) No.1154 of 2025:

1. Thandavarayan

2. Naliyana

... Petitioners/Petitioners/
Defendants 1 and 2

Vs.

Backialakshmi

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.290 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 290 of 2018 on the file of the Subordinate Judge, Lalgudi.

C.R.P(MD) No.1155 of 2025:

1. Natarajan



2. Rathinam
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C.R.P.(PD)(MD).Nos.1154 to 1159 of 2025

... Petitioners/Petitioners/
Defendants 1 and 2

Vs.

Baskar

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.293 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 293 of 2018 on the file of the Subordinate Judge, Lalgudi.

C.R.P(MD) No.1156 of 2025:

Shenbagavalli (died)

1. Ramachandran
2. Navaneetha Krishnan
3. Vijayaragavan
4. Sankara Narayanan
5. Sumeth

... Petitioners/Petitioners/
3rd Defendant

(Cause title is accepted vide order of this Court dated 19.02.2025 made in C.M.P(MD) Nos.2266 to 2271 of 2025 in C.R.P(MD) SR.Nos.34803 to 34808 of 2024)



C.R.P.(PD)(MD).Nos.1154 to 1159 of 2025

Vs.

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Baskar

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.297 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 297 of 2018 on the file of the Subordinate Judge, Lalgudi.

C.R.P(MD) No.1157 of 2025:

Backiam

... Petitioner/Petitioner/
1st Defendant

Vs.

Baskar

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.299 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 299 of 2018 on the file of the Subordinate Judge, Lalgudi.

C.R.P(MD) No.1158 of 2025:

1. Periasamy (died)

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WEB COPY 2. Chandra

3. Chinnammal

4. Thangavel

5. Baskar

6. Rajamani

7. Elanjiyam

... Petitioners/Petitioners/
Defendants 2, 4 to 8

Vs.

Baskar

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.300 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 300 of 2018 on the file of the Subordinate Judge, Lalgudi.

C.R.P(MD) No.1159 of 2025:

Ganesan

... Petitioner/Petitioner/
1st Defendant

Vs.

Baskar

... Respondent/Respondent/
Plaintiff

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PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order passed by the learned Subordinate Judge, Lalgudi in I.A.No.2 of 2022 in O.S.No.302 of 2018, dated 20.02.2024, by allowing this Revision and allowing petition in I.A.No.2 of 2022 in O.S.No. 302 of 2018 on the file of the Subordinate Judge, Lalgudi.

In all petitions:

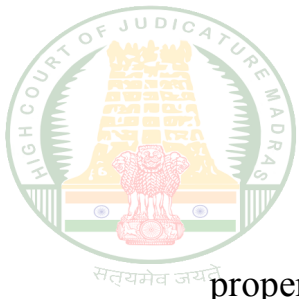
For Petitioners : Mr.S.K.Mani

COMMON ORDER

The defendants in O.S.Nos. 290, 293, 297, 299, 300 and 302 of 2018 on the file of the Sub Court, Lalgudi, have filed the present Civil Revision Petitions challenging the dismissal of their applications filed under Order 7 Rule 11 of C.P.C.

2. A perusal of the plaint averments reveal that these suits have been filed for the relief of declaration of title, recovery of possession and mandatory injunction.

3. According to the plaintiffs, they are the owner of the suit schedule properties and the defendants have encroached upon the suit schedule

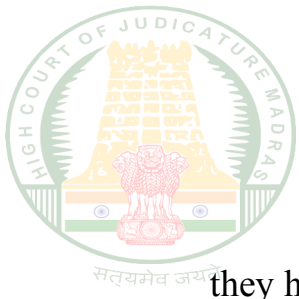


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property and they have put up construction un-authorizedly. According to the defendants, the plaintiffs are the owners of only 36 cents of land but they are claiming more extent than what they have purchased under the sale deeds. The defendants have further contended that the construction put up by them are not within the property of the plaintiffs, but it is located in the road margin over which, the plaintiffs cannot have any title.

4. Based upon the said allegations, the defendants have filed an application in their respective suits under Order 7 Rule 11 of C.P.C., contending that the plaintiffs are claiming more extent than the sale deeds and the plaintiffs cannot have any right over the road margin. These applications came to be dismissed by the trial Court on the ground that the issues raised in the applications under Order 7 Rule 11 of C.P.C., can be decided only during trial. Challenging the same, the present Civil Revision Petitions have been filed.

5. According to the learned counsel appearing for the revision petitioners, when there is no encroachment made by the defendants in the property of the plaintiffs and the plaintiffs are claiming more extent than what



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they have purchased under the sale deeds, the suits are frivolous in nature and they are liable to be rejected at the threshold level, even on the basis of the pleadings available in the plaint and the documents annexed in the plaint. He further contended that constructions have been made in the road margin as well as the government poramboke. It could be seen that the plaintiffs are not entitled to the relief as prayed for. Hence, he prayed for allowing these Civil Revision Petitions.

6. Heard the learned counsel appearing for the revision petitioners and perused the materials available on record.

7. The contentions that were raised by the learned counsel appearing for the revision petitioners would clearly indicate that there is a factual dispute with regard to the extent of land for which the plaintiffs are entitled to. There is also a dispute as to whether the defendants have put up construction in the plaintiffs property or in the road margin/government poramboke land. These factual disputes can be decided only during trial. No grounds have been made out for invoking provisions of Order 7 Rule 11 of C.P.C., for rejection of plaint.



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8. Therefore, these Civil Revision Petitions are disposed of with liberty to the defendants to raise the same issues during trial. The trial Court is directed to dispose of the suits in O.S.Nos.290, 293, 297, 299, 300 and 302 of 2018 on merits and in accordance with law without being influenced by any one of the observations made by this Court as expeditiously as possible. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

21.04.2025

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

1. The learned Subordinate Judge,
Lalgudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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