

C.R.P.(MD)Nos.1435 & 1436 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1435 & 1436 of 2025

and

C.M.P.(MD)Nos.7329 & 7330 of 2025

1.S.R.M.Packirirajan
2.P.Ashok Kumar

...Petitioners in both C.R.Ps.

Vs.

Minor P.U.Vijay Charan

[Minor represented through his mother and guardian M.Rajeswari @ Nisha, W/o.Udhayakumar, Door No.22/41, Lakshmipuram 3rd Street, Madurai – 625 001.]

...Respondent in both C.R.Ps.

COMMON PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal orders dated 09.04.2025 made in I.A.Nos.5 & 6 of 2025 in I.A.No.2 of 2024 in O.S.No.188 of 2024, on the file of the Hon'ble VI Additional District Judge, Madurai and allow the Civil Revision Petitions and direct the VI Additional District Judge to pass orders on the application filed in I.A.No.2 of 2024 on merits.



WEB COPY



C.R.P.(MD)Nos.1435 & 1436 of 2025

For Petitioners : Mr.R.R.Kannan

For Respondent : Mr.T.R.Subramanian

COMMON ORDER

These Civil Revision Petitions have been filed seeking to quash the orders dated 09.04.2025 made in I.A.Nos.5 & 6 of 2025 in I.A.No.2 of 2024 in O.S.No.188 of 2024, on the file of the VI Additional District Judge, Madurai and allow the Civil Revision Petitions and direct the VI Additional District Judge to pass orders on the application filed in I.A.No.2 of 2024.

2.Learned Counsel for the petitioners would submit that the revision petitioners are the defendants in O.S.No.188 of 2024. The respondent / plaintiff filed a suit for partition. The first respondent is the son of the second respondent, the second respondent is the brother of the second petitioner and son of the first petitioner. The respondent who is a minor filed a partition suit in O.S.No.188 of 2024, in which the petitioners / defendants filed I.A.No.2 of 2024 under order VII Rule 11, for rejection of the plaint. At that time, the respondent filed applications in I.A.No.5 of 2025 and 6 of 2025 for re-opening I.A.No.2 of 2024, under Section 151 CPC and for receiving additional documents under Order VII Rule 14 and the same were allowed in



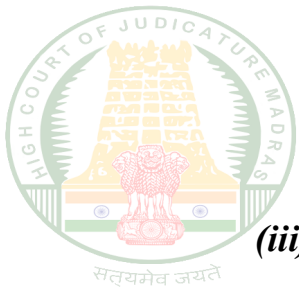
C.R.P.(MD)Nos.1435 & 1436 of 2025

his favour. Challenging the same, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioners would submit that the issue in these Civil Revision Petitions is no longer *res integra*. It has already been settled by the Hon'ble Apex Court in a number of cases, wherein it has been held that while deciding Order VII Rule 11 petitions, the trial Court has to consider only the plaint averments and the documents annexed therein and the defence of the defendants need not be considered at that stage. Further, the Courts shall not exercise the power under Order VI Rule 11, in matters that are legally barred or frivolous. Accordingly, he prays for appropriate orders.

4.In support of his contentions, learned Counsel for the petitioners relied on the following judgments:

- (i) *Correspondent, RBANMS Educational Institution Vs. B.Gunashekar and others reported in 2025 (3) CTC 619;*
- (ii) *Shri Mukund Bhavan Trust and others Vs. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle and another in Civil Appeal No. 14807 of 2024 dated 20.12.2024;*



C.R.P.(MD)Nos.1435 & 1436 of 2025

(iii) Dahiben Vs. Arvinbhai Kalyanji Bhanusali (Gajra) dead through legal representatives and others reported in (2020) 7 SCC 366;

(iv) Saleem Bhai and others Vs. State of Maharashtra and others reported in (2003) 1 SCC 557;

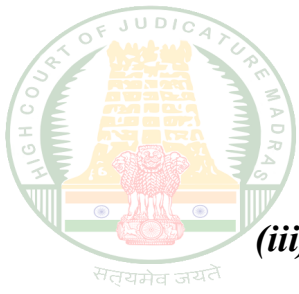
(v) Nusli Neville Wadia Vs. Ivory Properties and others reported in (2020) 6 SCC 557.

5.Per contra, learned Counsel for the respondent would submit that the petitioners / defendants filed Order VII Rule 11 petition, in which the trial Court heard the arguments of the petitioners alone and no opportunity was given to the respondent to argue the case. Thereby, the respondent / plaintiff filed the above said petitions which were allowed and the same need not be interfered with. Accordingly, he prays for dismissal of these Civil Revision Petitions.

6.Learned Counsel for the respondent relied on the following judgments:

(i) Vinod Infra Developers Ltd., Vs. Mahaveer Lunia and others reported in 2025 SCC Online SC 1208;

(ii) P.Kumarakurubaran Vs. P.Narayanan and others reported in 2025 SCC Online SC 975;



C.R.P.(MD)Nos.1435 & 1436 of 2025

(iii) Chhotanben and another Vs. Kiritbhai Jalkrushnabhai Thakkar

reported in (2018) 6 SCC 422.

7. Heard the learned Counsel on either side.

8. Admittedly, the respondent / plaintiff filed a suit for partition as against his father's brother and grandfather, in which the petitioner filed a petition under Order VII Rule 11 and the same was under consideration. At that time, the respondent / plaintiff filed two I.As. in I.A.Nos.5 and 6 of 2025, for reopening and for receiving additional documents. The issue that arises for consideration in this Civil Revision Petition is whether in an Order VII Rule 11 petition, the plaintiffs are entitled to mark additional documents and in this aspect, the law is well settled.

9. A perusal of the above judgments make it clear that while entertaining the Order VII Rule 11, the trial Court has to strictly consider only the plaint averments and the documents annexed therein and neither the defendant's defence nor plaintiff's defence need be looked into at the time of deciding the Order VII Rule 11 petition. Hence, the above petitions filed for reopening and receiving additional documents are unnecessary and unwarranted. Accordingly,



C.R.P.(MD)Nos.1435 & 1436 of 2025

the order passed by the trial Court in I.A.Nos.5 & 6 of 2025 in I.A.No.2 of 2024

in O.S.No.188 of 2024, dated 09.04.2025 are set aside.

10.Accordingly, these Civil Revision Petitions stand allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

MR



WEB COPY



C.R.P.(MD)Nos.1435 & 1436 of 2025

To

- 1.The VI Additional District Judge,
Madurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)Nos.1435 & 1436 of 2025

M.DHANDAPANI, J.

MR

C.R.P.(MD)Nos.1435 & 1436 of 2025

30.06.2025