WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1970 of 2025
and
C,M.P.(MD)No.11301 of 2025

1.Panner Selvam
2.Parvathi ... Petitioners

Vs.

1.Amutha
2.Sudha
3.Rajesh
4.Kandaiya @ Kandasamy

5.The District Collector,
Pudukkottai,
Pudukkottai District.

6.The Tahsildar,
Pudukkottai,
Pudukkottai District. ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to struck off the plaint dated 20.06.2024 in O.S.No.198 of 2024 on the file of the Principal Sub Court, Pudukkottai.

For Petitioner : Mr.I.Velpradeep
For R5 & R6 : Mr.B.Saravanan
Additional Government Pleader
For R1 to R3 : Mr.D.Ramesh Kumar

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Civil Revision Petition is filed seeking to strike off the plaint dated 20.06.2024 in O.S.No.198 of 2024 on the file of the Principal Sub Court, Pudukkottai.

2.The petitioners are the first and third defendants in the suit in O.S.No. 198 of 2024 filed by the respondents 1 to 3 herein for permanent injunction with regard to the property in Survey No.199/2 and 199/2K at Nathampatti Village, Pudukkottai. For the very same property, in the year 1995, the second petitioner herein has filed a suit in O.S.No.502 of 1995 for declaration and recovery of possession. The said suit was decreed in the year 2001 and was confirmed upto the level of second appeal even in the year 2022 itself. However, the present suit is filed with regard to the very same property. Thereby, the present Civil Revision Petition is filed to strike off the plaint.

3.The learned counsel for the petitioners submits that the subject property originally belonged to the second defendant in the present suit, namely Kandiah @ Kandasamy. The petitioner purchased the subject property from the second defendant through his power power agent in the year 2008 vide registered sale deeds. Earlier, the power agent of the second defendant filed a suit as against one Rasu @ Subburaj, who is none other than the husband and father of the

https://www.mhc.tn.gov.in/judis

WEB COPY

plaintiffs, respectively in O.S.No.502 of 1995 for declaration and recovery of possession in a dispute arose between them with regard to that property. The said suit was decreed. Challenge to the said decree and judgment was also ended in dismissal in A.S.No.76 of 2001 and the said judgment has also attained finality. Now for the very same property, the legal heirs of the said Rasu and Subburaj filed the present suit.

4.The learned counsel for the petitioner further submits that the suit is filed challenging the sale deed executed in the year 2008. Under Article 58 of the Limitation Act, the sale deed has to be put into challenge within a period of three years. Thereby, the suit is barred by limitation. Hence, he seeks appropriate orders.

5.Per contra, the learned counsel appearing on behalf of the respondents 1 to 3/plaintiffs submits that as against the decree and judgment of the First Appellate Court, the husband and father of the plaintiffs, respectively had filed a second appeal in S.A.(MD)No.1594 of 2003. Pending second appeal, the petitioner purchased the subject property, which is impermissible. Thereby, the respondents 1 to 3/plaintiffs filed the present suit for declaration. Further, all the issues raised by the petitioners have to be tried before the trial Court at the time of trial. Accordingly, he prayed for appropriate orders.

https://www.mhc.tn.gov.in/judis

WEB COPY

6.Considered the rival submissions made on either side and perused the materials placed on record.

7.Admittedly, the present suit is filed by the respondents 1 to 3/plaintiffs as against the petitioners herein for injunction. It is also an admitted fact that as against the husband and father of the plaintiffs, the vendor of the petitioners has filed a suit with regard to the very same property in question and obtained a decree as against the plaintiffs herein. When a matter, whether on a question of fact or on a question of law, has been decided between two parties or their privies in one suit and the decision is final, neither party will be allowed in a future suit or proceeding to canvass the matter again and the same is barred by the principle of *res judicata*. In the present case also, the issue in question was decided by the civil Court in the earlier round of litigation even in the year 1995 itself. Hence, the present suit is barred by the principle of res *judicata*.

8.It is also to be noted that the present suit is filed in the year 2024 challenging the sale deed that was executed in the year 2008. Article 58 of the Limitation Act prescribes a period of three years to challenge the sale deed. Though the plaintiffs submit that the petitioners purchased the property during the pendency of the second appeal, they have chosen to challenge the said sale after a lapse of six years and hence, the suit is barred by limitation.

https://www.mhc.tn.gov.in/judis

WEB COPY

9.Accordingly, the present Civil Revision Petition is allowed and the suit in O.S.No.198 of 2024 is hereby struck off. No costs. Consequently, connected miscellaneous petition is closed.

20.08.2025

Index : Yes/No
Internet : Yes / No
ta

To

1.The Principal Sub Court, Pudukkottai.

2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.DHANDAPANI,J.

ta

C.R.P.(PD)(MD)No.1970 of 2025

20.08.2025