



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2193 of 2025

and

C.M.P.(MD).No.12986 of 2025

P.Vellaichamy

...Petitioner

Vs.

1.Palaniammal

2.Murugesan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 23.01.2025 passed in I.A.No.498 of 2023 in O.S.No.7 of 2023, on the file of the District Munsif Court, Oddanchatram.

For Petitioner

: Mr.C.Narendran



ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 23.01.2025 passed in I.A.No.498 of 2023 in O.S.No.7 of 2023, on the file of the District Munsif Court, Oddanchatram.

2. The respondents filed a suit in O.S.No.7 of 2023 before the learned District Munsif, Oddanchatram, seeking a declaration of their right to carry water from the alleged public well in S.No.243/1 to the suit lands in S.Nos.240 and 244 for irrigation, and further sought a decree of permanent injunction restraining the petitioner, one Selvi, and others from disturbing their right to carry water through the plaint schedule property. Pending the suit, the petitioner herein filed an interlocutory application in I.A.No.498 of 2023 under Order VII Rule 11 (A) and Section 151 CPC, praying to reject the plaint for non-disclosure of cause of action. The trial Court, by an order dated 23.01.2025, dismissed the said application. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the absolute owner of the property. It is further contended that the trial Court failed to properly appreciate the plaint averments and the documents relied upon by the respondents. Even in the partition deed dated 27.10.1979, on which the respondents place reliance, there is no mention of any canal or right



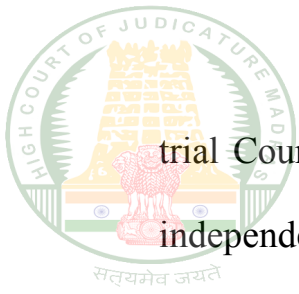
of irrigation. This, according to the petitioner, makes it clear that the respondents have no legal right and the plaint is a vexatious litigation, liable to be rejected at the threshold.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

6. The scope of an application under Order VII Rule 11 CPC is limited to examining the plaint averments alone, without embarking upon an enquiry into the truth or correctness of the allegations or the defence raised by the defendant. A plaint cannot be rejected merely on the ground that the defendant disputes the rights claimed or challenges the documents relied upon by the plaintiff. Such issues necessarily fall within the domain of the trial.

7. In the present case, the trial Court has rightly held that the grounds urged by the petitioner pertain to disputed questions of fact, including the existence of any irrigation right and the validity of the respondents' claim. These matters can only be adjudicated during the course of trial on the basis of evidence. Therefore, this Court finds no error or infirmity in the order of the



trial Court. However, it is made clear that the trial Court shall decide the suit independently on its own merits, uninfluenced by any of the observations made in the impugned order or in this order.

8. The petitioner is at liberty to raise all defences available in law before the trial Court during trial.

9. In view of the above discussion, this Court finds no ground to interfere with the impugned order. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The District Munsif Court, Oddanchatram.

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



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M.DHANDAPANI, J.

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