



C.R.P.(MD)No.2211 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.2211 of 2025

and

C.M.P.(MD)No.13095 of 2025

Eswari

... Petitioner

Vs.

1.K.Kannan

2.P.Chinnammal

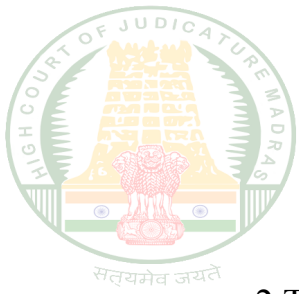
... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 24.04.2025 passed in I.A.No.04 of 2024 in O.S.No.145 of 2020 on the file of the Principal District Munsif Court, Thoothukudi.

For Petitioner : Mr.A.Mohamedhaneef

ORDER

This Civil Revision Petition is filed challenging the order dated 24.04.2025 passed in I.A.No.04 of 2024 in O.S.No.145 of 2020 on the file of the Principal District Munsif Court, Thoothukudi.



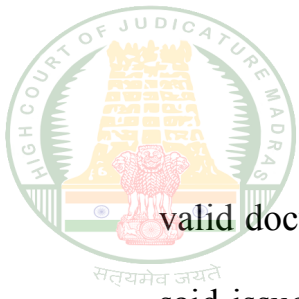
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2.The petitioner is the defendant in O.S.No.145 of 2020 filed by the respondents/plaintiffs for declaration and for recovery of possession. In that suit, the petitioner filed an interlocutory application in I.A.No.4 of 2024 under Order VII Rule 11(b) of CPC seeking rejection of plaint and the same was dismissed on 24.04.2025. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner filed the application seeking rejection of plaint solely on the ground that the respondents have not produced any documents in their favour with regard to the subject property and the respondents have not paid necessary Court fee. The trial Court without considering all these aspects, has simply dismissed the application of the petitioner and the same is not sustainable.

4.Since no adverse order is going to be passed in this Civil Revision Petition as against the respondents, notice to the respondents is dispensed with.

5.Admittedly, the petitioner is the defendant in the suit filed by the respondents for declaration and recovery of possession. The petitioner sought to reject the plaint on the ground that the respondents have not produced any



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valid documents to prove their title and have not paid necessary Court fee. The said issues raised by the petitioner cannot be decided under Order VII Rule 11 of CPC as well as Section 115 of the Civil Procedure Code. All the issues have to be decided by the trial Court at the time of trial by considering the material evidences. The trial Court has rightly appreciated all the issues and dismissed the application filed by the petitioner. Hence, this Court is not inclined to interfere with the order passed by the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. The petitioner is at liberty to canvass all the grounds raised herein before the trial Court at the time of trial by adducing valid evidence. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Principal District Munsif Court, Thoothukudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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