



CRP(MD). No.2141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON 03.11.2025	PRONOUNCED ON 16.12.2025
---------------------------	-----------------------------

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.2141 of 2025
and
CMP(MD)No.12485 of 2025**

1.K.Nagarathinam
2.K.Senthilkumar
3.Babu

... Petitioners

Vs.

1.Mayilvahanan
2.P.Murugan
3.N.Sivakumar
4.N.Dhineshkumar
Rukkumanimal (Died)
w/o Nallathambi Chettiar

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 01.07.2025 passed in I.A.No.26 of 2023 in O.S.No.114 of 2019 on the file of the learned 5th Additional District and Sessions Court, Madurai and allow this Civil Revision with costs throughout.

1/10



CRP(MD), No.2141 of 2025

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents: Mr.K.Alagarsamy for R1

Mr.K.Sridhar
for Mr.M.Balakrishnan for R2

Mr.M.Rajesh for R3

ORDER

This Civil Revision Petitions had been filed against the fair and decreetal order dated 01.07.2025 passed in I.A.No.26 of 2023 in O.S.No. 114 of 2019 on the file of the learned 5th Additional District and Sessions Court, Madurai.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioners, Mr.K.Alagarsamy, learned counsel appearing for the first respondent, Mr.K.Sridhar, learned counsel appearing for Mr.M.Balakrishnan, learned counsel appearing on behalf of the second respondent and Mr.M.Rajesh, learned counsel appearing for the third respondent.



CRP(MD), No.2141 of 2025

WEB COPY

3. The learned counsel appearing for the petitioners would submit that the first respondent herein had initiated a Suit seeking for a partition and separate possession of the suit property between himself and the second respondent and for declaration that the decree dated 10.08.2018 in O.S.No.325 of 2016 as null and void. He would submit that the suit properties were governed by a compromise judgment and decree made in O.S.No.325 of 2016. A compromise had been arrived at based upon a Will executed by one Mr.Padmanaba Chettiyar of whom the first respondent claims to be an adopted son.

4. He would further submit that the plaint do not disclose any cause of action with the first respondent to initiate the suit. He would submit that the plaint also do not disclose the details of adoption son and the ceremony performed to substantiate such adoption. He would further submit that without seeking to declare that the first respondent is the validly adopted child of the deceased Padmanaba Chettiyar, the further relief of partition of the suit property cannot also be maintained by the first respondent. He would submit that there is a collusion between the first and the second respondents, who are admittedly blood brothers and both of them claims to have been



CRP(MD), No.2141 of 2025

adopted by the Padmanaba Chettiyar. He would submit that the petitioners are the class II legal heirs of the Padmanaba Chettiyar in whose favour he had also executed a Will. He would submit that by filing the present suit, the first respondent in connivance with the second respondent is attempting to arm-twist the petitioner in parting with the property of Padmanaba Chettiyar, which they had inherited by a testamentary succession. In support of his contention, he would also rely upon the judgment made in A.S.No.368 of 2010, dated 04.10.2019, A.S.No.570 of 2024, dated 07.03.2025 and S.A.(MD).No. 340 of 2008, dated 05.12.2019 and the judgment of this Court in the case ***Irudhayaraj vs. K.Indira Gandhi & Ors.***, reported in **2010 (7) MLJ 635**.

5. Countering his arguments, the learned counsel appearing for the first respondent would contend that the application filed by the plaintiff under Order VII, Rule 11 is not at all maintainable. He would submit that the first respondent in his plaint had categorically averred the cause of action and a whole reading of the plaint would indicate that there are sufficient cause of action for the first respondent to seek for the relief sought for in the plaint.



CRP(MD), No.2141 of 2025

6. He would further submit that the Court while dealing with an application Under Order VII, Rule 11 can look into the averments made in the plaint and cannot look into any other documents that was sought to be relied upon by the petitioner to reject the plaint. He would further submit that the issues that had been raised by the petitioners all touch upon the merits of the claim made by the first respondent and can only be subject to prove that is let in during the recording of evidence and be decided by the Court after hearing the arguments. He had also relied upon the various judgments to contend that the power of this Court in Order VII Rule 11 application is circumscribed only to looking into plaint averments and the plaint documents and not on other documents that is sought to be relied upon by the defendants. Hence, he prays this Court to dismiss the Civil Revision Petition.

7.The learned counsel appearing for the second respondent reiterating the submissions made by the learned counsel appearing for the first respondent would submit that when disputed questions of fact are raised, then the Suit could not be rejected on the grounds available under Order VII Rule 11 CPC. He would submit that the suit



CRP(MD), No.2141 of 2025

is neither barred by any provision of any law nor there is a *resjudicata*.

Hence, he prays this Court to dismiss the Civil Revision Petition.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

9. The claim of the petitioners who are the defendants 4 to 6 in a Suit filed by the first respondent to reject the plaint is as follows:-

That the first respondent/plaintiff had not produced any substantial evidence to claim that he is the adopted son of Padmanaba Chettiyar;

No pleadings/averments in any manner whatsoever indicating the date and the manner in which the adoption is said to have been made. Even in the pre-suit notice and the public notice issued by the first respondent/plaintiff, he had only claimed himself to be the faster son of the Padmanaba Chettiyar;

The Suit schedule properties are all governed by an earlier judgment and decree made in O.S.No.326 of



WEB COPY



CRP(MD), No.2141 of 2025

2015 on the file of the I Subordinate Judge, Madurai, where the first respondent/plaintiff is not a party to the suit and that there is no specific pleadings as to how there was a fraud that had been committed by the parties in the said suit for the declaratory relief to declare the judgment and decree be null and void.

The Court below while considering the claim made by the petitioner had rejected the application by primarily holding that the grounds that had been raised to reject the plaint cannot be considered by the Court, as it is only averments in the plaint and the documents filed in support of the plaint could be looked into for rejecting the plaint.

10. As rightly pointed out by the Court below, that the grounds that had been raised by the petitioner cannot be regarded to reject the plaint. It is the claim of the first respondent/plaintiff that he had been adopted by one Padmanaba Chettiyar, who is the brother of the purchaser in interest of the petitioners. The said Padmanaba Chettiyar is the brother of the paternal grandfather of the petitioners. Even according to the petitioners, the said Padmanaba Chettiyar died



CRP(MD), No.2141 of 2025

issue-less and on the date of the death, he had not left behind any class-I legal heirs.

11. Further, as rightly pointed out by the Court below that a relief of declaration to declare a judgment and decree as null and void, had also been made on various grounds by the plaintiff. Such issues can also be only decided after a trial and cannot be decided in any application under Order VII, Rule 11 CPC.

12. For the aforesaid reasons, this Court do not find any merits in this Civil Revision Petition and accordingly, the same stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

16.12.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/ No
Pbn

TO

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

8/10



CRP(MD), No.2141 of 2025

Madurai.

WEB COPY

2.The 5th Additional District and Sessions Court, Madurai.



WEB COPY



CRP(MD). No.2141 of 2025

K.KUMARESH BABU,J.

Pbn

Pre-Delivery Order in
CRP(MD). No.2141 of 2025
and
CMP(MD)No.12485 of 2025

16.12.2025