



C.R.P.(MD)No.3630 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.3630 of 2025

and

C.M.P.(MD)No.19225 of 2025

Kumar

... Petitioner

-VS.-

P.K.Porkodi

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to allow this Civil Revision Petition and to set aside the order passed by the Additional Subordinate Court, Tirunelveli, in I.A.No.4 of 2022 in O.S.No. 168 of 2022, dated 22.09.2025.

For Petitioner :Mr.P.Vadivel

For Respondent :Mr.B.Prasanna Vinoth



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ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned Additional Subordinate Judge, Tirunelveli, in I.A.No.4 of 2022 in O.S.No.168 of 2022, dated 22.09.2025.

2.Heard Mr.P.Vadivel, learned Counsel for the petitioner and Mr.B.Prasanna Vinoth, learned Counsel for the respondent.

3.The respondent herein is the plaintiff in the suit in O.S.No.168 of 2022 on the file of the Additional Subordinate Court, Tirunelveli. The petitioner is the second defendant in the suit. The suit in O.S.No.168 of 2022 has been filed to declare that the plaintiff is the only legal heir of the deceased P.K.Jegannathan and for other reliefs.

4.During the pendency of the suit, the petitioner/second defendant has filed an application in I.A.No.4 of 2022 under Order VII Rule 11 r/w Section 151 CPC to reject the plaint. The learned Additional Subordinate Judge,



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Tirunelveli, vide impugned order, dated 22.09.2025, had dismissed the said application on the ground that the grounds raised by the petitioner/second defendant in the application to reject the plaint have to be decided only at the time of trial. Challenging the same, the present Civil Revision Petition has been filed.

5.The learned Counsel for the petitioner submitted that the legal heirs of the deceased P.K.Jegannathan have filed a suit in O.S.No.91 of 2015 for partition before the I Additional District Court, Tirunelveli, wherein, a compromise decree was passed. Pursuant to the said decree, the defendants 2 and 3 have executed settlement deeds and have been dealing with the suit properties lawfully. Suppressing all the above judicial proceedings, the respondent/plaintiff has filed the present suit in O.S.No.168 of 2022, which is *ex facie* barred by *res judicata*, limitation and other provisions of law. Without considering all these facts, the Court below has erroneously dismissed the application filed by the petitioner. Hence, he seeks interference of this Court.

6.The learned Counsel for the respondent submitted that the entire case



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evolved with regard to the legal heir certificate and a police complaint was given and a charge sheet was also laid in Cr.No.25 of 2020. The trial Court after examining the contentions raised in the application filed by the petitioner, has rightly rejected the application filed by the petitioner/second defendant to reject the plaint and that the grounds raised by the petitioner to reject the plaint are triable in nature and he seeks dismissal of this petition.

7.This Court considered the submissions made on either side and perused the materials available on record.

8.Considering the facts and circumstances of the case and also perusing the impugned order passed by the Court below, this Court is of the view that the grounds raised by the petitioner/second defendant are triable in nature and that the trial Court has rightly rejected the application filed by the petitioner. Further, this Court is of the view that by considering the entire facts and circumstances of the case, the trial Court has rightly rejected the application filed by the petitioner, which needs no interference of this Court and this Court does not find any infirmity or illegality in the order passed by the Court below.



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9.In the result, the Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

17.12.2025

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

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To

The Additional Subordinate Judge, Tirunelveli,



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N.SENTHILKUMAR, J.

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