



WEB COPY

CRP No. 545 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 545 of 2021

and

C.M.P.No.4672 of 2021

Santhanam Ammal
W/o. Ramasamy,
Poondi Road, Athaiyur Village,
Ulundurpet Taluk, Villupuram District.

..Petitioner(s)

Vs

1. Suresh
S/o. Krishnan,
No.86, Sitherry Street,
Cusba Kallakurichi, Kallakurichi Taluk,
Villupuram District.
2. Tamilarasan,
S/o. Palani Kounder, Mayyanur Village,
Sankarapuram Village, Villupuram District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed in IA.No.637 of 2019 in OS.No.352 of 2018 dated 12.10.2020 on the file of the Subordinate Judge, Kallakurichi.

For Petitioner(s): Mr.G.Ranganathan

For Respondent(s): Mr. R. Raj Prasanna
(For R1)
R2 - Died



ORDER

The present Civil Revision Petition has been filed to set aside the fair and decreetal order passed in IA.No.637 of 2019 in OS.No.352 of 2018 dated 12.10.2020 on the file of the Subordinate Judge, Kallakurichi.

2. Heard Mr.G.Ranganathan, learned counsel for the petitioner and Mr.R.Raj Prasanna, learned counsel for the first respondent.

3. This instant revision petition has been filed, challenging the order passed in the Interlocutory Application in I.A.No.637 of 2019 in O.S.No.352 of 2018, which had been allowed, rejecting the plaint.

4. Section 104 of the CPC., read with Order XLIII of C.P.C., would indicate the appeals, which could be filed against the orders passed under the Code. Even though an order, rejecting the plaint had not been listed out under Order XLIII of C.P.C., it should be seen that rejection of the plaint follows with a decree of dismissal.

5. The said issue has also been considered by the Hon'ble Apex Court in the judgment in **MITC Rolling Mills Private Limited and another Vs. Renuka Realtors and others**, reported in (2025) INSC 1300. The Hon'ble Apex Court,



in the aforesaid judgment, has categorically held that even though an order passed under Order VII Rule 11 is not given in the list of orders against which an appeal could be filed under Order XLIII of CPC.,, such an order would amount to a decree dismissing the suit, against which an appeal under Section 96 alone could be filed.

6. For better appreciation, the relevant paragraph is extracted hereunder:

“14. There cannot be any two views on the aspect that an order rejecting the plaint under Order VII Rule 11 CPC decides the lis finally and would tantamount to a decree within the meaning of Section 2(2) CPC. Reference in this regard may be made to a decision of this Court in Shamsher Singh v. Rajinder Prashad , wherein a plaint was rejected under Order VII Rule 11(b) for not being properly valued for purposes of court-fees and jurisdiction. The relevant paragraph from the above judgment is quoted hereinbelow:

*“3. **In the present case, the plaint was rejected under Order 7 Rule 11 CPC. Such an order amounts to a decree under Section 2(2), and there is a right of appeal open to the plaintiff.** Furthermore, in a case in which this Court has granted special leave, the question whether an appeal lies or not does not arise. Even otherwise, a second appeal would lie under Section 100 of the CPC on the ground that the decision of the first appellate court on the interpretation of Section 7(iv) (c) is a question of law. There is thus no merit in the preliminary objection.”*



7. For the aforesaid reason, the present revision petition is held to be not maintainable as only an appeal could be filed. Accordingly, this Civil Revision Petition stands dismissed. However, the petitioner is at liberty to file an appeal as provided under Section 96 of the CPC., and if such an appeal is filed, the period of pendency of this revision petition, namely from the date of filing of the present revision till the date of this order, shall stand excluded in calculating the period of limitation by application of Section 14 of the Limitation Act, 1963.

8. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Subordinate Judge,
Kallakurichi.



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K.KUMARESH BABU, J.

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