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CRP No. 745 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	18.03.2026
PRONOUNCED ON :	30.04.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**CRP No.745 of 2022
and
C.M.P.No.3716 of 2022**

1. S.Vijayakumar
2. K.M.Sivakumar

..Petitioner(s)

Vs

1. Rangan @ P. Rangasamy
2. Karuppammal
3. M.Kanniammal
4. R.Kaladevi
5. P.Mahali
6. P.Arumugam
7. K.Sagunthala
8. Padmasudha
9. Jananishree
- 10.K.Ravi Anand
- 11.Ramachandran
- 12.R.Pandiammal



13.P.Kamalam

14.K.Rojambal

15.K.M.Illango

16.S.R.Srinivasan

17.P.Palanisamy

18.K.M.Subramniam

19.S.Krishnakumar

20.A.P.V.Easwaraperiasamy,

21.C.Palanisamy

22.M/s.Indian Overseas Bank

Rep. by its Manager, No.15, Velampalayam
Branch, Tiruppur North Taluk, Tiruppur.

23.M/s.Union Bank of India,

Rep. by its Manager, No.52, New Market
Street, Tiruppur, Having Head Office, No.239,
Vidhan Bhavan Marg, Nariman Point, Mumabi.

24.M/s.State Bank of India

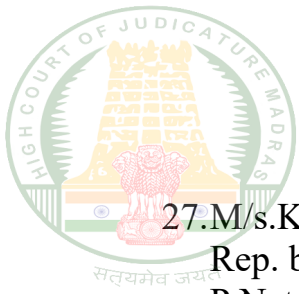
Rep. by its Authorised Officer, Stressed Asset
Management Branch, Raja Plaza, 1112,
Avinashi Road, Coimbatore.

25.M/s.Canara Bank

Rep. by its Manager, P.N.Road Branch, Having
Head Office J.C. Road, Bangalore.

26.M/s.Current Trends,

Rep. by its, Managing Director, Sri
S.Krishnakumar, S/o.K.Subramaniam,
Pongupalayam Village, Now at Ayyan Thottam,
Kalampalayam, Pongavadi Post, Tiruppur
North Taluk, Tiruppur.



27.M/s.K.P.R.Mills

Rep. by its Managing Director,
P.Nataraj, No.270-J, Periyar Colony,
Anupperpalayam, Tiruppur.

28.M/s.Brunthavan Garment,

Rep. by its, Managing Director, Sri A.Shiyam,
No.183/13, Tex Pro Road, Uthukuli, Tiruppur
District.

29.State of Tamil Nadu

Rep. by its The Tiruppur District Collector,
Collector Office Compound, Palladam Road,
Tiruppur.

30.The Tahsildar

Tiruppur North Taluk, Kumaran Road,
Tiruppur.

31.Tiruppur Joint I Sub Registrar

No.1/3, Vignesh Complex, Opposite to Sivan
Theater, Postal Colony, 60 Feet Road, Tiruppur
Town, Tiruppur.

32.Tiruppur Joint 2 Sub Registrar

Samynathapuram, Andhra Bank Back Side,
Avinashi Road, Tiruppur Town, Tiruppur.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the plaint in O.S.No.83 of 2016 on the file of Principal Sub-ordinate Judge at Tiruppur filed by the respondent No.1.

For Petitioner(s):

Mr.S.Gokul

For Mr.P.Mahesh Kumar

For Respondent(s):

For R1 – No appearance

Mr.N.Muthuvel

Government Advocate(CS)

For RR29 to R32



ORDER

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The Civil Revision Petition has been filed to strike off the plaint in O.S.No.83 of 2016 on the file of Principal Subordinate Judge at Tiruppur filed by the respondent No.1.

2. Heard Mr.S.Gokul, representing Mr.P.Magesh Kumar, learned counsel for the petitioner and Mr.N.Muthuvel, learned Government Advocate (CS), for respondents 29 to 32.

3. The learned counsel for the petitioner would submit that the first plaintiff had earlier filed a partition suit in O.S. No.253 of 1997 on the file of the District Munsif, Palladam, as against the predecessor-in-interest, and the said suit came to be dismissed for default. He had also attempted to restore the suit, and the same was dismissed in the year 2000.

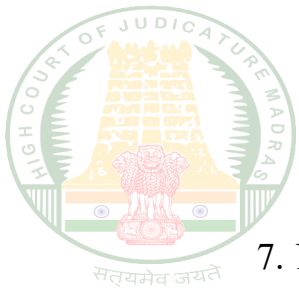
4. The petitioners had purchased the suit schedule property. Thereafter, another partition suit came to be filed in O.S. No.475 of 2004 on the file of the District Munsif, Tiruppur, by the legal heirs of one Palani as against the petitioners as well as the first respondent, in which the petitioners had taken out an application under Order VII Rule 11 CPC, which was allowed, striking off the plaint.



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5. Aggrieved against the same, an appeal suit was filed in A.S. No.52 of 2012 on the file of the Principal Sub-ordinate Judge, Tiruppur, and the same came to be dismissed for default on 06.04.2015. He would submit that the petitioners had also instituted a suit in O.S. No.399 of 2005 as against the first respondent/plaintiff for permanent injunction, and the same came to be decreed on a full-fledged trial in the year 2007. The said judgment and decree had become final, as no appeal came to be filed. Thereafter, after a lapse of 8 years, the first respondent had instituted the instant suit for the very same relief of partition and declaration. He would submit that the first respondent/plaintiff had repeatedly attempted to initiate litigation by abusing the process of Court.

6. The said property purchased by the petitioners was the subject matter of the partition suit earlier filed by the first respondent, secondly by one of the parties claiming to have a right in the property, and thirdly in the injunction suit filed by the petitioners. Even in the injunction suit filed by the petitioners, the first respondent had not made any counterclaim with regard to his right in the property, and the Court, having found title in favour of the petitioner, had granted permanent injunction against the first respondent, which had become final between the parties.



7. Now, it is a fresh attempt by the first respondent to re-open the rights which have already been settled, and therefore, the petitioner seeks indulgence of this Court to strike off the plaint.

8. Even though the first respondent had entered appearance, there is no representation either in person or through a counsel, and for the reasons recorded in the order dated 18.03.2026, he is set *ex parte*.

9. I have considered the submissions made by the learned counsel appearing on behalf of the petitioners.

10. This Court is conscious of the law laid down by the Hon'ble Apex Court in the recent judgments in the case of ***P.Suresh Vs. D.Kalaivani and others reported in 2026 SCC OnLine SC 143***, and in the case of ***K.Valarmathi and others, Vs. Kumaresan***, reported in ***2025 SCC OnLine SC 985***, that in exercise of its powers under Article 227, a plaint could not be struck down. However, in cases where there is an attempt to re-litigate an issue, which had long back ended in earlier litigation, a litigant cannot be allowed to reopen the same. If such litigation is permitted, it would only end up in wasting the precious time of the Court and affect the rights of other litigants.



11. This Court also takes note of the judgment of the Hon'ble Apex Court in the case of ***Dahiben vs. Arvindbhai Kalyanji Bhanusali (Gajra)*** reported in (2020) 7 SCC 366, wherein the Hon'ble Apex Court relying upon the earlier judgments had held that a clever drafting of a plaint which creates an illusion of cause of action and also the Court must to be vigilant against any such camouflage or suppression should determine whether the litigation is utterly vexatious, abuse of process of the Court and in that context, the Apex Court had held that such litigation should be nipped in the bud. For better appreciation, the relevant paragraphs are extracted hereunder:-

“24. “Cause of action” means every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to judgment. It consists of a bundle of material facts, which are necessary for the plaintiff to prove in order to entitle him to the reliefs claimed in the suit.

24.1. In *Swamy Atmananda v. Sri Ramakrishna Tapovanam* [Swamy Atmananda v. Sri Ramakrishna Tapovanam, (2005) 10 SCC 51] this Court held : (SCC p. 60, para 24)

“24. A cause of action, thus, means every fact, which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is a bundle of facts, which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant since in the absence of such an act, no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded.”

24.2. In *T. Arivandandam v. T.V. Satyapal* [T.



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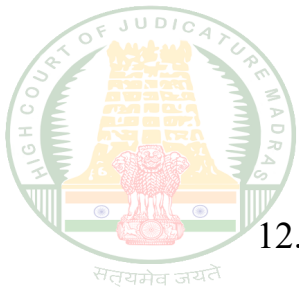
Arivandandam v. T.V. Satyapal, (1977) 4 SCC 467] this Court held that while considering an application under Order 7 Rule 11 CPC what is required to be decided is whether the plaint discloses a real cause of action, or something purely illusory, in the following words : (SCC p. 470, para 5)

“5. ... The learned Munsif must remember that if on a meaningful—not formal—reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order 7 Rule 11 CPC taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing....”

(emphasis supplied)

24.3. Subsequently, in ITC Ltd. v. Debts Recovery Appellate Tribunal [ITC Ltd. v. Debts Recovery Appellate Tribunal, (1998) 2 SCC 70] this Court held that law cannot permit clever drafting which creates illusions of a cause of action. What is required is that a clear right must be made out in the plaint.

24.4. If, however, by clever drafting of the plaint, it has created the illusion of a cause of action, this Court in Madanuri Sri Rama Chandra Murthy v. Syed Jalal [Madanuri Sri Rama Chandra Murthy v. Syed Jalal, (2017) 13 SCC 174 : (2017) 5 SCC (Civ) 602] held that it should be nipped in the bud, so that bogus litigation will end at the earliest stage. The Court must be vigilant against any camouflage or suppression, and determine whether the litigation is utterly vexatious, and an abuse of the process of the court.”



12. From the arguments made and the records perused, it could be seen that the first respondent had earlier instituted a suit for partition in respect of the very same property, which came to be dismissed for default, and the attempt to restore the same also ended in failure, thereafter, he had not prosecuted the same.

13. A further suit filed by one of the legal heirs of Palani, one of the brothers of the first respondent/plaintiff, for partition, which also came to be rejected on an application filed under Order VII Rule 11 CPC. Even though an appeal suit had been filed by the plaintiff therein, the same was also allowed to be dismissed for non-prosecution.

14. The first respondent/plaintiff, who was also a party to the said suit, had not preferred any independent appeal against the order of rejection of the plaint. In a partition suit, the plaintiffs and defendants, all stand on the same footing, and if a suit is rejected either under Order VII Rule 11 CPC or even on merits, a co-defendant, who has a right in the property, can also file an appeal against the same. However, the first respondent/plaintiff had not challenged the order of rejection of the suit filed by his siblings.

15. The earlier suits came to an end as early as in the year 2012, and in



the interregnum, the petitioner herein had instituted a suit as against the first respondent in O.S. No.399 of 2005 for an injunction as against the first respondent and two others, which was contested by the first respondent, and he had suffered a judgment and decree of injunction, which had also been put to rest, as he had failed to challenge the same.

16. It is further to be noted that the first respondent/plaintiff had also not made any counterclaim as against the petitioner, and that the issue with regard to whether the petitioner, who was the plaintiff therein, had title to the property had also been framed and decided.

17. In such an event, having failed to contest the title declared in favour of the petitioner, and the issue had become final between the parties, and becoming a judgments in personam, this Court is of the view that the attempt by the first respondent in the present suit is only an attempt to re-litigate the entire issue, and if permitted to be prosecuted, it would only waste the precious judicial time of the Court, affecting the rights of other litigants.

18. For the aforesaid reasons, this Court is of the view that the revision petition deserves to be allowed, and accordingly, the revision petition stands allowed and the plaint in O.S.No.83 of 2016 on the file of Principal Sub-



ordinate Judge at Tiruppur, filed by the respondent No.1, stands struck off. No costs. Consequently, connected miscellaneous petition is closed.

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30-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Principal Subordinate Judge at Tiruppur.
2. The Tiruppur District Collector,
State of Tamil Nadu
Collector Office Compound,
Palladam Road, Tiruppur.
3. The Tahsildar
Tiruppur North Taluk,
Kumaran Road, Tiruppur.
4. Tiruppur Joint I Sub Registrar
No.1/3, Vignesh Complex, Opposite to Sivan Theater,
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K.KUMARESH BABU, J.

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