



WEB COPY



C.R.P.No.592 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.592 of 2026

and

C.M.P.No.3262 of 2026

1. Varalakshmi

2. J.P.Srinivasa Ramanan

.... Petitioners

Vs

J.P.Satyanarayanan

.... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order dated 24.11.2025 passed in I.A.No.3 of 2024 in O.s.No.135 of 2024 on the file of the District Munsif, Chengalpattu.

For Petitioner : Mr.A.M.O.Gurunarayana Rao

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/defendants seeking rejection of the plaint.

2. The respondent herein filed a suit seeking a declaration of his easementary right over the 'B' schedule property as a means of access to reach



C.R.P.No.592 of 2026

his 'A' schedule property. He has also sought for consequential relief of permanent injunction restraining the petitioners/defendants from preventing his use of the 'B' schedule property as an access pathway to the 'A' schedule property.

3. The petitioners herein filed a petition to reject the plaint on the ground that there is no reference to any common passage in the 'B' schedule property in the sale deed standing in favour of the respondent and therefore, there is no material to substantiate the averments made in the plaint. It is further stated that the respondent failed to implead the neighbouring owners of the suit property and therefore, the suit is bad for non-joinder of necessary parties. It is also stated that the respondent raised the issue after a lapse of 28 years and therefore, the claim is barred and not maintainable.

4. It is settled law that a plaint can be rejected only on any of the ground enumerated under Order VII Rule 11 of the Code of Civil Procedure. A reading of the affidavit filed in support of the petition seeking rejection of the plaint would show that the petitioners have not made out any point for rejection of the plaint within the four corners of Order VII Rule 11 of Code of Civil Procedure.



C.R.P.No.592 of 2026

WEB COPY

5. The respondent seeks a declaration of easementary right contending that the 'B' schedule property is the only access available to enable the respondent to reach the 'A' schedule property. Whether the 'B' schedule property is in fact the only means of access is a matter to be decided on the basis of the evidence to be let in by both parties at the time of trial.

6. Merely because there is no reference to an alleged easement by necessity in the documents produced by the respondent, it cannot be concluded that the claim for easement by necessity is liable to be rejected. The existence of such a right is a matter to be established through evidence. Insofar as the plea of non-joinder of neighbouring owners is concerned, the same cannot be a ground for rejection of the plaint. Whether the neighbours are necessary parties or not is an issue to be considered at the time of final disposal of the suit.

7. In the plaint, it was claimed by the respondent that on 08.06.2024, he was prevented from accessing the 'A' schedule property through the 'B' schedule property. The cause of action for filing the suit arises only when the respondent is prevented by the petitioners from exercising his right of easement. Therefore, the contention raised by the petitioners that the plea of easement by necessity has been claimed by the respondent after a lapse of 28 years cannot be



C.R.P.No.592 of 2026

accepted by this Court at this stage. Further, the question as to whether there has been any abandonment or extinguishment of the alleged easementart right as well as the issue relating to non-joinder of parties, are matters to be established by evidence to be let in by the parties during trial.

8. In view of the foregoing discussion, I do not find anything to consider the application for rejection of plaint filed by the petitioners. The Trial Court has rightly appreciated the position and dismissed the petition. Therefore, I do not find any error in the impugned order.

9. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

11.02.2026

Index : Yes/No

Internet : Yes/No

Lpp

To

The District Munsif,
Chengalpattu.



WEB COPY



C.R.P.No.592 of 2026

S.SOUNTHAR, J.

Lpp

C.R.P.No.592 of 2026

11.02.2026