



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 598 of 2026 and

CMP No.3330 of 2026

Rojavathi, W/o S.S Rajan,
36 Vattipillaiyar Koil Street,
Senthilnathan Nagar, Kumbakonam Town,
Kumbakonam Taluk, Thanjavur District.

..Petitioner(s)

Vs

1. Saminayaki, W/o A.Elango,
1/4 Sakthi Nagar Avenue,
II Street, Judge Road,
Salem Town and Taluk,
Salem District.
2. Mohanasundari W/o. R.Baskaran,
L42K, Bharathidasan Colony,
K.K.Nagar, Chennai-78
3. Yogambal, W/o. Sivakumar,
3/14, Mela Street, Kizhancheri,
Simizhi Post, Kodavasal Taluk,
Thiruvarur District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decree in IA No. 2 of 2025 in OS No.111 of 2024 dated 06.12.2025 on the file of Subordinate Judge, Tiruvarur and allow the present CRP.



For Petitioner(s):

Ms. R.Abirami

ORDER

This civil revision petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking rejection of plaint.

2. The respondents herein/plaintiffs filed a suit in O.S.No.111 of 2024 seeking partition of item Nos.1 and 2 of the suit properties and permanent injunction in respect of item Nos.3 to 6 of the suit properties. The petitioner herein is the defendant in the said suit. According to the respondents/plaintiffs, the suit properties were originally belonged to one Ramamirtham Ammal and she bequeathed suit item Nos.1 and 2 of the properties to the father of the respondents as well as the father of the petitioner under a Will dated 16.10.1965. Therefore, the respondents/plaintiffs claimed half share in Item Nos.1 and 2 of the suit properties. As far as the suit Item Nos.3 to 6 are concerned, it is the case of the respondents that the said Ramamirtham Ammal granted absolute right to the father of the respondents/plaintiffs under the said Will dated 16.10.1965 and hence, they sought permanent injunction restraining the petitioner/defendant from interfering with the Item Nos. 3 to 6 of the schedule mentioned properties.



3. The petitioner herein/defendant filed the instant application seeking rejection of plaint on the ground that the suit properties were given to her father Ganapathi, by the great grandmother of the parties, namely Sundharakannu, under a Will dated 07.06.1921. Therefore, the partition suit filed by the respondents/plaintiffs, based on the Will dated 16.10.1965 could not be accepted.

4. It is settled law that while considering the application for rejection of plaint, the court is only guided by the averments contained in the plaint and the plaint documents. The respondents/plaintiffs claimed right over the properties, based on the Will executed by their grandmother Ramamirtham Ammal during the year 1965 and the said Will also produced along with the plaint as plaint document. The suit was resisted by the petitioner/defendant mainly by relying on the Will executed in the year 1921. For the purpose of rejecting the plaint, the court cannot consider the documents relied on by the defendant and the defence made by her. The petitioner/defendant failed to establish that the prayers sought for by the plaintiffs are liable to be rejected, based on the averments found in the plaint and the plaint documents,. Therefore, the petitioner has not made out any case for rejection of plaint within the four corners of Order VII Rule 11 CPC. The Trial Court rightly appreciated the said position and dismissed the instant petition and I do not find any error to interfere over the same.



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5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Subordinate Judge,
Thiruvarur.



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CRP No. 598 of 2



S.SOUNTHAR, J.

MST

CRP No. 598 of 2026

12-02-2026