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CRP No. 1570 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

**CRP No. 1570 of 2023
and
CMP No.10282 of 2023**

Thamaraiselvi
W/o. Gunasekaran,
3rd ward, Rajaji Nagar,
Kasba Perambalur,
Perambalur Taluk and District.

..Petitioner

Vs

Ashan Muhameed
D/o. Sumsutheen,
Muslim Street,
Ammapalayam Village,
Perambalur Taluk and District.

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, prayed to set aside the order dated 29.11.2022 passed in I.A.No.3 of 2021 in O.S.No.151 of 2021, pending on the file of the Principal District Munsiff, Perambalur.

For Petitioner : Mr. S. Mukunth, Senior Advocate,
for M/s. Preethi S. Arasu

For Respondent : Mr. S. Vijay Anand,
for M/s. S. Vinodha



ORDER

This Civil Revision Petition has been filed by the petitioner challenging the dismissal of the application under Order VII Rule 11 of Civil Procedure Code, 1908 (C.P.C.,) for rejection of plaint filed by the defendant/petitioner herein, in I.A.No.2 of 2021 in O.S.No.151 of 2021 on the file of the Principal District Munsiff, Permabalur.

2. The plaintiff/respondent herein instituted the suit in O.S.No.151 of 2021 under Order VII Rule 1 of C.P.C., seeking a decree of permanent injunction restraining the defendant, his men or agents from in any manner interfering with the plaintiff's alleged peaceful and continuous possession.

3. According to the plaintiff, the suit property originally belonged to his grandfather and was subsequently partitioned among his father, grandmother and his uncle. Thereafter, the plaintiff claims to have inherited the same upon the death of his father and to be in continuous possession and enjoyment of the suit property. Alleging interference by the defendant, the plaintiff/respondent has filed the suit in O.S.No.151 of 2021 for the above-said relief.

4. The defendant entered appearance and filed an application under Order VII Rule 11 of C.P.C., seeking rejection of plaint on the ground that the suit property is a 'Government-assigned land' (commonly referred to as 'AD



condition land') allotted in favour of the defendant's family, subject to restrictions on alienation, and that the plaintiff has suppressed the said material fact. It was further contended that the plaint does not disclose any cause of action for instituting of injunction suit, and the same was not considered in the petition for rejection of plaint.

5. The Trial Court, upon consideration of the pleadings and the averments in the plaint, held that the question as to whether the property is assigned land and whether the rights of the parties can be decided at the stage of considering the application under Order VII Rule 11 of C.P.C., and that such issues requires adjudication upon evidence during trial. Accordingly, the application for rejection of plaint was dismissed. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

6. The learned Senior Counsel appearing on behalf of the petitioner/defendant submitted that the law relating to rejection of plaint under Order VII Rule 11 of C.P.C., is well settled and that the Trial Court failed to properly appreciate the averments made in the plaint. He further submitted that the Trial Court erred in holding that the issues raised in rejection of plaint could be considered only after recording evidence during trial. He also submitted that, if this Court issues direction to dispose off the suit at the earliest, it would help both sides to contest their case effectively and prays to issue direction for early



disposal of the suit.

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7. Per contra, the learned counsel appearing for the respondent/plaintiff submitted that the Trial Court has rightly dismissed the application for rejection of plaint and that the issues raised by the defendant are matters for trial and cannot be adjudicated at the threshold. He further submitted that the order passed in I.A.No.3 of 2021 does not warrant any interference of this Court and prayed for dismissal of the present revision petition.

8. This Court, upon consideration of the submissions made on either side and on perusal of the materials available on record, finds that the suit is of the year 2021 and now the dispute pertains to the entitlement of the plaintiff to the relief of injunction. This Court is of the view that the Trial Court has rightly held that the issues involved require adjudication upon recording evidence and cannot be decided at the earliest point of time. Though it is well settled that directions for time-bound disposal of cases pending before Trial Court cannot be granted ordinarily without knowing the pendency of the cases before the concerned Court, in the facts and circumstances of the present case, such a direction is warranted.

9. The records also shows that, the pendency of the suit from the year 2021 and the Civil Revision Petition from the year 2023, this Court is inclined



to direct the Trial Court to dispose of the suit expeditiously.

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10. Accordingly, this Court finds that the learned Principal District Munsif, Perambalur has rightly dismissed the application filed under Order VII Rule 11 of C.P.C., in I.A.No.3 of 2021 in O.S.No.151 of 2021, dated 29.11.2022 on the ground that the issues raised involve disputed questions of fact which require evidence and cannot be decided at the stage of considering the said application.

11. In view of the discussions above, this Court directs the Trial Court to dispose of the suit in O.S.No.151 of 2021, within a period of four (4) months from the date of receipt of a copy of this order, by giving priority to the same.

12. With the above observations and directions, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

01-04-2026

Neutral Citation: Yes/No

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To

1. The Principal District Munsif, Perambalur.
2. The Section Officer, V.R. Section, High Court of Madras.



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K.RAJASEKAR, J.

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