



WEB COPY

O.S.A.No.87 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

O.S.A.No.87 of 2026 and
C.M.P.No.12879 of 2026

State Bank of India,
Stressed Assets Management Branch,
Red Cross Building, No.32,
Montieth Road, Egmore,
Chennai – 600 008.

... Appellant

Vs.

1. M.Sailaja,
2. Minor M.Nihar Mohan Choudhary
3. Minor M.Niyathi Raam Choudhary
(Minors 2 & 3 are represented by their mother and guardian M.Sailaja)

4. M/s.Jyothy Labs Ltd.,
(earlier M/s.Henkel Spic India Ltd.,)
Represented by its Managing Director,
Ujala House, Ramakrishna Mandir Road,
Kondivita, Off Andheri Kurla Road,
Andheri East, Mumbai – 400 059.

5. M/s.R.K.Investments,
Rep. by its Authorised Signatory,
184-187, Temple Steps,
Anna Salai, Little Mount,
Chennai – 600 015

... Respondents



O.S.A.No.37 of 2025

Prayer: This Original Side Appeal has been filed under Order XXXVI Rule 1 of Madras High Court Original Side Rules r/w Clause 15 of Letters Patent Act, to set aside the fair and decreetal order dated 25.02.2026 passed in A.No.82 of 2026 in C.S.No.251 of 2025 by this Court.

For Appellant : Mr.M.L.Ganesh

For Respondents : Mr.Ravi Raja Bappu

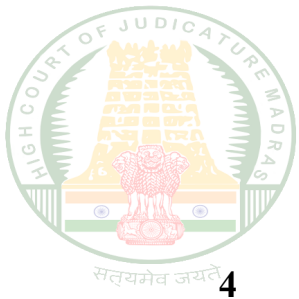
JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

The appeal has been filed against the order of dismissal of application filed under Order 7 Rule 11 CPC by the appellant herein.

2 The appellant is first defendant, the respondents 1 to 3 are plaintiff and the respondents 4 and 5 are defendants 2 & 3 in the suit in C.S.No.251 of 2025.

3 The respondents 1 to 3/plaintiffs filed the above suit for the relief of recovery of money, declaration, compensation and for permanent injunction against the appellant/D1.



O.S.A.No.37 of 2026

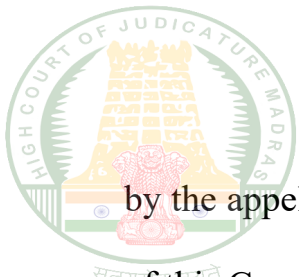
WEB COPY

4 The appellant/D1 filed the application in A.No.82 of 2026 under Order 7 Rule 11 CPC seeking rejection of plaint filed by the respondents 1 to 3/plaintiffs. The learned Single Judge, after hearing both the parties, vide order dated 25.2.2026, dismissed the application, against which, the first defendant is before this Court.

5 Learned counsel appearing for the appellant would submit that the suit is barred by limitation. The plaintiffs have already set the law into motion by approaching the Debt Recovery Tribunal and suffered an order, against which, they also preferred an appeal before DRAT-II, Chennai, and hence the present suit for the same cause of action is hit by *res judicata*.

5.1 The learned counsel further argued that the learned Single Judge dismissed the application filed under Order 7 Rule 11 observing that the plaint documents alone can be looked into, whereas, the plaintiffs annexed the earlier orders passed by this Court along with the plaint, which itself clearly negated the title and ownership of the plaintiffs.

5.2 The learned Single Judge failed to consider the facts and the grounds raised



O.S.A.No.37 of 2020

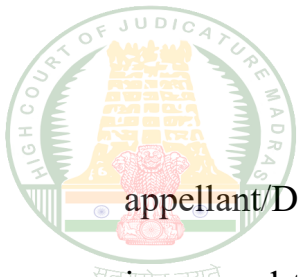
by the appellant/D1 and erroneously dismissed the application, which needs interference of this Court.

WEB COPY

6 Learned counsel appearing for the respondents 1 to 3 would submit that the suit is not either barred by law or hit by *res judicata* and the plaint disclosed a clear cause of action. Further the plaintiffs were not party to the proceedings before the Debt Recovery Tribunal. The grounds raised by the appellant/D1 are all matter for trial and hence the learned Single Judge rightly dismissed the application filed by the appellant/D1 under Order 7 Rule 11.

7 Heard the learned counsel for the appellant and the learned counsel for the respondents 1 to 3 and perused the materials available on record.

8 A careful perusal of the plaint filed by the plaintiffs, who are the respondents 1 to 3 herein reveal the plaint disclosed cause of action and there is no specific statutory bar. Even though the appellant/D1 contended that the averment in plaint itself established that the suit is hit by *res judicata*, the plaintiffs answered those aspects in the plaint. The grounds taken by the appellant/D1 to reject the plaint are all in the form of their defence, which can be tested and decided only after trial. The



O.S.A.No.37/2023

WEB COPY

appellant/D1, at the best, can file an application raising those grounds as preliminary issues and the Court can decide the same on merits, but it cannot be adjudicated in the application under Order 7 Rule 11 CPC.

9 It is settled proposition of law that while deciding the application under Order 7 Rule 11 CPC, the Court is required to look into the averments made in the plaint and not the defence taken by the defendants and the materials produced by them. Keeping the above settled proposition of law in mind, the learned Single Judge, rightly dismissed the application, which needs no interference of this Court.

10 This Original Side Appeal lacks merits and substance and the same is dismissed. Consequently connected miscellaneous petition stands closed. However, the appellant is at liberty to workout its remedy in the manner known to law. No costs.

[PVJ] [KGTJ]
01.06.2026

cgi



WEB COPY



O.S.A.No.87 of 2026

P.VELMURUGAN. J.
and
K.GOVINDARAJAN THILAKAVADI, J.

cgi

O.S.A.No.87 of 2026 and
C.M.P.No.12879 of 2026

01.06.2026