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CRP No. 2610 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2610 of 2025
and CMP.No.14763 of 2025**

I.Jebapackiyam

W/o. A.K.Isravel Dharamarai, No. 23, Elumalai
Street, Radha Nagar, Chrompet, Chennai-44.

..Petitioner(s)

Vs

1. Abhayakumar
S/o. Shankar Lal, No. 27, Mailai Ranganathan
Street, T.Nagar, Chennai-17.
2. Kamalam
W/o. Subbaih, No. 160, Srirampettai, CIT
Nagar, T.Nagar, Chennai-17.
3. Sagayam Denies
S/o. Sagayam Raj, No. 2, Solomon Street,
Rajaji Nagar, Pallavaram, Chennai-43.
4. Veerakumar
S/o. Kalidevas, No. 185/1, Royapettah High
Road, Chennai-14.
5. The Sub Registrar, Padappai
Sub Registration Office, Padappai,
Sriperumbudur Taluk.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the Impugned Order passed in IA No. 1 of 2022 in OS No. 336 of 2008 by the Honble District Munsif, Tambaram and the plaint in OS No. 336 of 2008

For Petitioner(s):

MR.SILAMBANAN SENIOR COUNSEL FOR
M/S.KAAVYA SILAMBANAN ASSOCIATES



For Respondent(s):

MR.T.M.MANO FOR R1
MR.N.MUTHUVEL GA (CS) FOR R5
R2 TO R4 - BATTA DUE

ORDER

Challenging the impugned order passed in I.A. No. 1 of 2022 in O.S. No. 336 of 2008 dated 04.03.2024 on the file of the District Munsif, Tambaram, the fourth defendant has preferred the present Civil Revision Petition.

2. Before the Trial Court, the petitioner/4th defendant filed an application seeking rejection of the plaint on the ground that there is no cause of action for the present suit. It was contended that the plaintiff has based the present suit on a decree obtained in O.S. No. 414 of 1998 and that the plaintiff's wife, namely Usha, had no valid right or title over the suit property. It was further contended that, even assuming that a decree had been passed, no effective relief had been granted by the Court, and therefore, the plaintiff has no right to proceed with the present suit. Hence, the application for rejection of plaint was filed. The Trial Court, upon considering the submissions made on either side, dismissed the application holding that the grounds raised for rejection of plaint under Order VII Rule 11(a) and (d) CPC are not sustainable. Aggrieved thereby, the present revision has been filed.



3. The learned counsel for the revision petitioner submitted that, at the time of passing the decree in O.S. No. 414 of 1998, the Trial Court had not granted the relief sought in respect of prayer No. 4 and that the decree is vague and does not confer any valid title upon the plaintiff's wife, Usha. It is further submitted that the present suit is based on an alleged settlement executed by the said Usha in favour of the plaintiff and that the same is an illusory cause of action. Therefore, the plaintiff has no right to maintain the suit. However, the Court below failed to appreciate these aspects.

4. Per contra, the learned counsel for the respondent/plaintiff submitted that, as per the decree passed in O.S. No. 414 of 1998, substantial reliefs were granted in favour of Usha, including declaration of title. Therefore, she had valid title over the property and was competent to settle the same in favour of the present plaintiff. Hence, the Trial Court has rightly dismissed the application, which requires no interference.

5. Considering the submissions made on either side, the dispute revolves around the decree passed in O.S. No. 414 of 1998. A perusal of the decree, which is produced in the typed set of papers (at page No. 47), reveals the following:

“Suit for declaration, permanent injunction, declaration of title and for recovery of possession, for directing the defendant to pay to the plaintiff a sum



*of Rs.50,000/- as damages together with interest at 12% p.a. from the date of
plaint till the date of realisation and for costs.*

*PWI examined. Ex.A1 to A3 marked. Claim proved. The suit is decreed as
prayed for with prayers 1 to 3 and 5 and 6, with costs. Prayer No. 4 is given up
by the plaintiff. The suit is dismissed in respect of prayer No. 4.”*

6. Admittedly, in O.S. No. 414 of 1998, the defendants remained ex parte. The reliefs sought in the plaint therein included declaration of title, permanent injunction, recovery of possession (in the alternative), damages, and costs. However, a perusal of the judgment shows that the decree was passed in a cryptic manner without framing proper issues or adjudicating the rival claims in accordance with law. The judgment does not reflect any application of mind to the essential questions relating to title, possession, or entitlement to reliefs.

7. Under the scheme of the Code of Civil Procedure, particularly in terms of Order XIV and Order XX CPC, the Trial Court is required to frame issues and render findings thereon before granting a decree. A decree passed without such adjudication, especially in a summary and cryptic manner, cannot be treated as a valid and enforceable decree in the eye of law.

8. In the present case, the plaintiff seeks to derive title based on such a decree. When the very foundation of the claim, namely the decree in O.S. No.



414 of 1998, is found to be legally unsustainable, the cause of action pleaded in the present suit becomes illusory.

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9. Therefore, this Court is of the considered view that the plaint is liable to be rejected, as it does not disclose a valid cause of action and is barred by law. Accordingly, the order of the Trial Court is set aside, and the Civil Revision Petition is allowed. The plaint in O.S. No. 336 of 2008 is rejected. No costs. Consequently, the connected miscellaneous petition is closed.

20-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The District Munsif, Tambaram.
2. The Sub Registrar, Padappai
Sub Registration Office, Padappai,
Sriperumbudur Taluk.
3. The Section Officer, V.R.Section, High
Court, Madras.



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T.V.THAMILSELVI, J.

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