



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

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

CRP No. 3246 of 2025

AND

CMP NO. 17955 OF 2025

Karthikeyan
S/o.Muniappagounder,
No.137, Sivarasree Illam, Lakshmipuram, Palani
Town and Taluk, Dindigul.

..Petitioner(s)

Vs

Thulasimani,
W/o.Late Loganathan,
D.No.2/250, Salimedu Thottam, Kaniampoondi
Village, Avinashi, Tiruppur.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Final Order dated 23.04.2025 made in I.A.No.52 of 2022 in O.S.No.141 of 2021 on the file of the Subordinate Court, Avinashi.

For Petitioner(s): Mr.K.S.Karthik Raja

For Respondent(s): Ms.M.P.Gunasri

ORDER

Challenging the impugned order dated 23.04.2025 made in I.A.No.52 of 2022 in O.S.No.141 of 2021 on the file of the Subordinate Court, Avinashi, the second defendant has preferred this revision.



2. The second defendant filed an application before the trial Court to reject the plaint stating that there is no cause of action to file the suit and alleged unregistered Will relied by the plaintiff, based on which the plaintiff has not entitled to sought for injunction and as such no cause of action to file the suit. Therefore, he prayed to reject the plaint. But the said application was contested by the plaintiff by stating that there was a compromise between the parties in OS Nos.93 of 2020 and 118 of 2020. Based on that, earlier cases were withdrawn and thereafter as per the terms of compromise, the defendants 1 & 2 not complied and they cause interferenced, hence he come forward with the present suit. Considering both the submissions, the trial judge holding that whether the Will dated 27.03.2015 relied by the plaintiff is valid or not or the compromise between the parties passed in OS No.163 of 2017 are all the matter to be decided and after full fledged trial only, those allegations, averments, right and title claimed by the parties can be decided and at this stage the plaint cannot be rejected under the grounds raised by the defendant and accordingly, it was dismissed. Aggrieved over the same, the second defendant has preferred this revision.

3. The learned counsel for the revision petitioner submits that there is no cause of action in the present suit and the relief also not sustainable in law.



4. On seeing the fact that there is a compromise between the parties in the earlier suit proceedings and according to the plaint averments, those terms not been complied by the defendant and the plaintiff also sought relief against the unregistered Will and all those things shows that the cause of action narrated in the plaint reflects that after the failure on the part of the defendants to comply the terms of the compromise between the parties. Therefore, the cause of action arose in the suit was narrated in para 17 of the plaint in a detailed manner. The plaint has to be rejected only based on plaint averments. On bare perusal of the records it reflects that there is a cause of action since the defendant attempted to cause interference on 24.06.2021. If at all any defence, the defendant has to raise before the trial court by filing written statement and the reason assigned to reject the plaint as such is not sustainable. To that effect, the order passed by the trial judge requires no interference and the revision is dismissed as no merits.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

30-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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T.V.THAMILSELVI J.

MTL

To

1. The Subordinate Court, Avinashi

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