WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.4992 of 2026
and
C.M.P.No.21742 of 2026

Case QR

CNR: {HCMA011749292026}

1. R.Rajendran
   S/o.Rangaiya Gounder

2. T.R.Eswaran
   S/o.Rangaiya Gounder

3. K.Kavitha
   W/o.Kalyanasundaram

4. Kalyanasundaram
   W/o.Krishnappa

..Petitioners

Vs

Bathirammal
W/o.Thimmaiyan

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed I.A.No.7 of 2025 in O.S.No.251 of 2021 dated 20.04.2026 on the file of the Court of District Munsif, Mettupalayam.

For Petitioners : Mr.A.Muthukumar

For Respondent : Mr.C.Prabakaran

*****

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 20.04.2026 passed in I.A.No.7 of 2025 in O.S.No.251 of 2021 by the learned District Munsif, Mettupalayam, wherein the application filed by the petitioners/defendants under Order VII Rule 11 CPC seeking rejection of plaint, came to be dismissed by the Court below.

2. This Court converted this civil revision petition to one under Section 115 of the Code of Civil Procedure.

3. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

4. The respondent/plaintiff filed the suit in O.S.No.251 of 2021 seeking the relief of permanent injunction restraining the petitioners/defendants from interfering with the respondent/plaintiff's peaceful possession and enjoyment of the suit property. The petitioners, who are defendants, filed I.A.No.7 of 2025 in O.S.No.251 of 2021 under Order VII Rule 11 CPC seeking rejection of plaint on the ground that the respondent/plaintiff had filed the earlier suit in O.S.No.642 of 2018 seeking substantive relief of declaration, recovery of possession, mandatory injunction, permanent injunction and to declare the

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

settlement deed dated 30.03.2009 as null and void and not binding on the respondent/plaintiff. A memo was filed and the suit was not pressed. Based on the memo, a judgment came to be passed on 05.12.2019 dismissing the suit as not maintainable. Thereafter, by concealing the said fact, the present suit was filed in O.S.No.251 of 2021 seeking the relief of permanent injunction. Therefore, the petitioners/defendants took a stand that there is absolutely no cause of action for filing the present suit and the present suit is barred. The Court below, considering the rival contentions, came to a conclusion that the ground raised by petitioners/defendants requires recording of evidence and it cannot be decided at the stage of considering the application filed seeking rejection of plaint. Aggrieved by the said order, the present revision has been filed.

5. The respondent/plaintiff filed the earlier suit in O.S.No.296 of 2014 before the Subordinate Court, Mettupalayam, which was subsequently transferred to the file of the learned V Additional District Judge, Coimbatore and renumbered as O.S.No.642 of 2018 wherein the respondent/plaintiff sought for the following reliefs:

> "19. The plaintiff prays that this Hon'ble Court may be pleased to pass a decree and judgment of:
>
> i) declaration to declare that the sale deed dt. 17.6.2002, registered as document No.2848/2002 purporting to have been executed by the Ist defendant in favour of the second defendant is sham and

https://www.mhc.tn.gov.in/judis

WEB COPY

nominal hence null and void ab-initio and does not bind the plaintiff and consequently;

ii) directing the 2nd defendant for delivery of possession, directing the 2nd defendant and (defendant No.6) and his men, servant and agent to quit, vacate and deliver vacant possession of the suit property to the plaintiff within the time stipulated by this Hon'ble Court;

iii) Mandatory injunction, directing the defendant No.2/ (Defendant No.6) to return all the original title deeds, such as parent documents, sale deed stands in the name of Badrammal, to the plaintiff;

iv) permanent injunction restraining the defendants No.2 his men, agent, in any way and in any manner conveying, transferring, alienating and encumbering the suit property till the disposal of the suit;

v) to declare that the settlement deed dated 30.3.2009 allowed to have been executed by 2nd defendant in favour of 6th defendant is sham and nominal and null and void ab-initio and shall not bind the plaintiff."

6. In the above suit, the petitioners 1 and 2 herein were shown as defendants 1 and 2.

7. The respondent/plaintiff filed a memo before the V Additional District Judge, Coimbatore, which is extracted hereunder:

"Memo filed by and on behalf of the Plaintiff

The plaintiff had filed a suit for Declaration, possession, and permanent injunction as against the defendants.

The plaintiff is unwilling to proceed with the case and is not pressing the suit.

It is requested that this Hon'ble court may be pleased to record the Memo and dismiss the suit as "Not press" and render justice."

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

8. Acting on the above memo, a judgment came to be passed by the learned V Additional District Judge, Coimbatore, on 05.12.2019 and the same is extracted hereunder:

> "Suit for declaration to declare that the sale deed dt: 17.6.2002, registered as document No.2848/2002 purporting to have been executed by the 1st defendant in favour of the second defendant in favour of the second defendant is sham and nominal hence null and void ab-initio and does not bind the plaintiff and consequently; and directing the 2nd defendant for delivery of possession, directing the 2nd defendant and his men, servant and agent to quit, vacate and deliver vacant possession of the suit property to the plaintiff within the time stipulated by this court; and Mandatory injunction, directing the defendant No.2, to return all the original title deeds, such as parent documents, sale deed stands in the name of Badhrammal, to the plaintiff; and permanent injunction restraining the defendants No.2 his man, agent, in any way and in any manner conveying, transferring, alienating and encumbering the suit property till the disposal; and to declare that the settlement deed dt: 30.3.2009 allowed to have been executed by the defendant in favour of 6th defendant is sham and nominal and null and void ab-initio and shall not bind the plaintiff.
>
> Plaintiff present. Both side Advocate present. Memo filed by Plaintiff and Plaintiff side Advocate not pressing the suit. Hence suit is dismissed as not pressed. Under the facts and circumstances parties to hear their own costs."

9. In the year 2021, the present suit was filed in O.S.No.251 of 2021 seeking the relief of permanent injunction pertaining to the same properties with a cause of action that the petitioners/defendants are attempting to trespass into the property.

10. In the considered view of this Court, the respondent/plaintiff had filed the earlier suit for substantive relief as against the same parties pertaining to the

https://www.mhc.tn.gov.in/judis

WEB COPY

same properties and for some reason, it was dismissed as not pressed. In that suit, apart from other reliefs, the respondent/plaintiff had also sought for the relief of recovery of possession. In the present suit, the respondent/plaintiff conveniently does not reveal these facts and files a suit as if she is in possession and enjoyment of the suit property and seeks the relief of permanent injunction. The present suit is completely barred since when the earlier suit was dismissed as not pressed, no leave was sought for by the respondent/plaintiff to file a fresh suit on the same cause of action. Apart from that, the respondent/plaintiff having sought for a larger relief and given up her earlier suit, conveniently seeks only the relief of permanent injunction in the present suit. Virtually, what has been attempted to be done by the respondent/plaintiff is to relitigate the suit after having conveniently withdrawn the earlier suit as not pressed.

11. In a case of this nature, such suits will have to be nipped in the bud since continuing to prosecute such suit will result in abuse of process of law and it will lead to wasting judicial time in a case which has legs to stand.

12. The Court below did not properly appreciate these vital issues and dismissed the application. The order passed by the Court below suffers from perversity warranting interference of this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

13. Accordingly, the order dated 20.04.2026 passed in I.A.No.7 of 2025 in O.S.No.251 of 2021 by the learned District Munsif, Mettupalayam, is set aside and plaint in O.S.No.251 of 2021 on the file of learned District Munsif, Mettupalayam, is rejected.

In the result, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20-11-2026

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

To
The District Munsif,
Mettupalayam.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH, J.

gm

Civil Revision Petition No.4992 of 2026

20-11-2026

https://www.mhc.tn.gov.in/judis