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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6994 of 2026
and
C.M.P.No.30040 of 2026

Case QR

CNR: {HCMA011994302026}

Balammal
W/o.Rangasamy

..Petitioner

Vs

1. Muthukumarasami
   S/o.Karuppaiya

2. Kannan
   S/o.Dhurairaj

..Respondents

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order in I.A.No.5 of 2025 in O.S.No.203 of 2023 dated 04.02.2026 passed by the Sub Court, Mettupalayam.

For Petitioner : Mr.B.Sundarapandiyan

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ORDER

This civil revision petition has been filed under Section 115 of the Code of Civil Procedure against the order dated 04.02.2026 passed in I.A.No.5 of 2025 in O.S.No.203 of 2023 by the Sub Court, Mettupalayam, wherein the application filed by the petitioner/defendant under Order VII Rule 11 CPC seeking rejection of plaint, came to be dismissed by the Court below.

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2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

3. The respondents are plaintiffs, who filed the suit in O.S.No.203 of 2023 seeking for the relief of partition and for allotment of 6/7th share in the suit property and for permanent injunction. The suit was filed by the respondents/plaintiffs with the following cause of action:

> "The cause of action for the suit arose on the date of the suit properties were originally belonged to Mr.Palani and on the date Palani died intestate on 04.11.2006 and on the date the legal heirs of Late Palani had executed the sale deed by way of registered sale deed vide Doc.No.13700/2008 dated 01.12.2008 at SRO, Mettupalayam and on the date Mrs.Rangammal executed the sale deed vide Doc.No.5730/2009 dated 02.07.2009 at SRO, Mettupalayam and on the date the Plaintiffs had come to know then Mrs.Rangammal who had acted like the Defendant which was classified under forged document by way of impersonation and on the date the Plaintiffs had released their possession right to and in favour of the Defendant by way of registered release deed dated 11.12.2020 vide Doc.No.10972/2020 at SRO, Mettupalayam with respect to Defendant's share in suit properties and on the date the Plaintiffs had approached the Defendant on several occasions in either way to amicably to settle the issues of partition and on the date that the Plaintiffs had sent a registered legal notice dated 19.08.2023 and on the date in order to claim partition in proper manner had come forward with present suit for partition and such other reliefs in suit properties which are well within Tholampalayam village, Mettupalaym Taluk, Coimbatore District well within the jurisdiction of this Hon'ble Court."

4. The petitioner, who is the defendant, filed I.A.No.5 of 2025 in O.S.No.203 of 2023 under Order VII Rule 11 CPC seeking rejection of plaint on the ground that the respondents/plaintiffs have admitted 1/7th share of the petitioner/defendant and they have also further admitted the fact that a forged

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and fabricated sale deed was created insofar as the share of the petitioner/defendant is concerned and subsequently, the release deed was also executed in favour of the petitioner/defendant on 11.12.2020 by the respondents/plaintiffs in respect of 1/7th share along with boundaries and therefore, there is absolutely no cause of action for filing the present suit.

5. The Court below dismissed the said application on the ground that the issue raised by the petitioner/defendant requires recording of evidence and the same cannot be considered at the stage of dealing with the application filed for rejection of plaint. Aggrieved by the said order, the present revision has been filed before this Court.

6. In the considered view of this Court, the cause of action, which has been extracted from the plaint [supra], makes it clear that the respondents/plaintiffs are not denying the fact that the petitioner/defendant has 1/7th share in the suit property. The respondents/plaintiffs are also not denying the fact that the release deed was executed in favour of the defendant on 11.12.2020, which was registered as document No.10972 of 2020. This release deed was also filed as one of the plaint document. On going through the same, it is seen in the release deed that 1/7th share has been released in favour of the petitioner/defendant and this share has also been properly identified with boundaries. For proper appreciation, the description of the property in the

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release deed is extracted hereunder:

"சொத்தின் விபரம்

கோயமுத்தூர் ரிடிடு மேட்டுப்பாளையம் சப்டிடு மேட்டுப்பாளையம் தாலூக்கா தோலம்பாளையம் கிராமம் பட்டா எண்.1247ல் க.ச.759 நெ.3.05.0 உறக்டேருக்கு ஏ.7.53க்கு தீர்வை ரூ.3.71 விஸ்தீரணமுள்ள பூமியில் ஏ1.85ல் எங்களுக்கு பாத்தியப்பட்ட பொதுவில் 6/7 பங்கு ஏ1.58½ விஸ்தீரணமுள்ள பூமிக்குச் செக்குபந்தி விபரம்.
ரங்கன் பூமிக்கும் தெற்கு.
கோபனாரி போகும் ரோடுக்கும் வடக்கு
தாமோதரன் பூமிக்கும் மேற்கு.
பொரியகவுடர் பூமிக்கும் கிழக்கு.
இதன் மத்தியில் உள்ள 0.64.0 உறக்டேருக்கு ஏ1.58½ விஸ்தீரணமுள்ள காட்டுப் பூமி பூரா சகிதம்.
இச்சொத்துக்கு உண்டான மாமூல் தட பாத்தியம் சகிதம்."

7. The respondents/plaintiffs have also admitted the fact that they have only 6/7th share in the suit property. If that is so, there is no need to waste time in proceeding with the suit by adopting the procedure of framing issues, letting in evidence, *etc*. On the admitted facts, the Court below can always pass a final decree by allotting 6/7th share in favour of the respondents/plaintiffs and 1/7th share in favour of the petitioner/defendant based on the release deed relied upon by the respondents/plaintiffs. This is more so since the respondents/plaintiffs have not questioned the release deed executed in favour of the petitioner/defendant. It will be a waste of judicial time if the Court below is going to proceed further with the case by recording evidence since nothing new will emerge during trial.

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8. In the light of the above discussion, there shall be a direction to the Sub Court, Mettupalayam, to proceed further with the suit in O.S.No.203 of 2023 in line with the above observations made by this Court and pass a decree within a period of eight (8) weeks from the date of receipt of a copy of this order.

This civil revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

10-11-2026

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

To
The Sub Court,
Mettupalayam.

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N.ANAND VENKATESH, J.

gm

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