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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6247 of 2026

CNR:{HCMA012253112026}

AND

CMP NO. 26973 OF 2026

Case QR

1. K. Vijayakumar
   S/o. Late P.Kuppuraj

2. V Bragheeswar
   S/o. K.Vijayakumar

..Petitioner(s)

Vs

S. Premalatha
W/o. Late Shanmugam

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 11-08-2026 in I.A.NO.7/2021 in O.S.No.543/2019 on the file of the II Additional district Munsif Court, Coimbatore and allow the above CRP

For Petitioner(s): Mr.C.R.Prasanan
J. Maheswaran

For Respondent(s): Mrs.Chitra Samapth
Senior Counsel for
M/s.Rajan.B

Order

This Civil Revision Petition has been filed under Section 115 of CPC challenging the fair and decretal order passed in IA No.7 of 2021 in OS

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No.543 of 2019 by the III Additional District Judge, Coimbatore wherein the application filed under Order VII Rule 11 of CPC seeking for rejection of the plaint, came to be dismissed by the Court below.

2. Heard both sides and carefully perused the materials available on record as well as the order passed by the Court below.

3. The respondent is the plaintiff, who filed the suit in OS No.543 of 2019 seeking for the relief of partition and allotment of ¼ share to the plaintiff and defendants 9 and 10 jointly with respect to the suit properties described in A, B and D schedule and for a permanent injunction restraining the defendants 2 and 4 from in any manner disturbing the peaceful possession and enjoyment of the C Schedule property.

4. The petitioners, who are the defendants 2 and 4, filed IA No.7 of 2021 under Order VII Rule 11 of CPC seeking for rejection of plaint on the ground that the elder daughter of the 2nd defendant had filed a similar suit in OS No.904 of 2022 before the 1st Additional Sub Court, Coimbatore, against the 2nd defendant, her mother and brothers wherein the plaintiff in the present suit was arrayed as the 4th defendant. A written statement was filed by the plaintiff herein in that suit by taking a stand that they had no right over the property. The said suit came to be dismissed. Having taken such a stand in the earlier suit, the

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plaintiff has taken a completely contradictory stand in the present suit to the effect that the property is not ancestral property and the plaintiff has sought for a share in the suit properties.

5. The Court below dismissed the application on the ground that the stand taken by the petitioners herein requires deeper consideration after recording evidence and that the petitioners have not made out a ground for rejection of plaint under Order VII Rule 11 of CPC. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

6. In the case in hand, the only ground that was raised in the affidavit filed in support of the application seeking for rejection of plaint is that the plaintiff has taken two contradictory stands. That by itself is not a ground for rejection of plaint and at the best, it will only show the conduct of the plaintiff more particularly since the earlier suit came to be dismissed. Therefore, nothing came out of the earlier suit.

7. The learned counsel for the petitioner placed relied upon the registered settlement deed dated 28.02.2019 whereby the properties were settled in favour of the plaintiff and another sister Radha and they had executed the same and inspite of such document being exhibited, the present suit has been filed which according to the petitioners, is a clear abuse of process of law.

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8. The above ground raised by the learned counsel for the petitioners also requires deeper consideration after evidence is let in by both sides.

9. Even on a demurrer, if the 1st relief sought for by the plaintiff is found to be unsustainable, there is a 2nd relief that has been sought for by the plaintiff for a permanent injunction restraining the defendants 2 and 4 from interfering with the peaceful possession and enjoyment of the C schedule property. This relief has to be gone into by the Court below and there is not even a whisper about this relief in the application filed by the petitioners seeking for rejection of plaint. If this relief has to be independently gone into, there is no question of rejecting the plaint only insofar as the first relief is concerned as such partial rejection of plaint is impermissible in law.

10. It is also brought to the notice of this Court that various applications have been filed in the suit and they are pending and as a result, till date even issues have not been framed.

11. In the light of the above discussion, this Courts finds that the petitioners have not made out a case for rejection of the plaint and that the grounds raised does not satisfy the requirements under Order VII Rule 11 of CPC. Hence, the order passed by the Court below is hereby sustained and this Civil Revision Petition stands dismissed. There shall be a direction to the III

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Additional District Judge, Coimbatore, to dispose of suit in OS No.543 of 2019 within a period of nine months from the date of receipt of a copy of this order. It is made clear that the grounds that have been raised by the petitioners can as well be raised in the main suit and it will be considered independently on its own merits and in accordance with law and the order passed in the present Civil Revision Petition will not have any bearing. No costs. Consequently, the connected miscellaneous petition is closed.

20-11-2026

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

RKA
To
III Additional District Judge, Coimbatore

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