



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

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

CRP No. 4981 of 2025 & CMP.No.25189 of 2025

N. Naveen,
S/o.Late Navakumar, Door No.6/344,
Ganesapuram, Sirumugai Post, Mettupalayam.

..Petitioner(s)

Vs

1. Rajendran,
S/o.A.K.Rangasamy Gounder, Rayon Nagar,
Sirumugai, Mettupalayam, Coimbatore.
2. Rathinakumar,
S/o.A.K.Rangasamy Gounder, Sellapapalayam,
Puliyampatti, Avinashi Taluk, Coimbatore.
3. Sellammal,
W/o.Late Natarajan, Door No.243,
Annathasampalayam, Sirumugai,
Mettupalayam, Coimbatore.
4. Gopalakrishnan,
S/o.Late Natarajan, Kembraiah Gounder Colony,
Teachers Colony, Karamadai, Mettupalayam.
Navakumar (Deceased)
5. Vasanthamani,
W/o.Late Navakumar, Door No.6/344,
Ganesapuram, Sirumugai Post, Mettupalayam.
6. Gnanasanjeev,
S/o.Late Navakumar, Door No.6/344,
Ganesapuram, Sirumugai Post, Mettupalayam.



7. Saraswathi,
W/o.Late A.K.Rangasamy Gounder, Door
No.43, West Street, Annathasampalayam,
Sirumugai Post, Mettupalayam.
8. Revathi Devi,
D/o.Late A.K.Rangasamy Gounder, Door
No.43, West Street, Annathasampalayam,
Sirumugai Post, Mettupalayam.
9. Kanagaraj,
S/o.Late A.K.Rangasamy Gounder, Door
No.23, East Street, Irumborai Road, Pethikuttai,
Mettupalayam Taluk, Coimbatore.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 11.06.2025 passed by the Learned Subordinate Judge, Mettupalayam, in I.A.No.5 of 2024 in O.S.No.120 of 2017 and allow the revision.

For Petitioner(s): Mr.S.Saravanan

For Respondent(s): Mr.V.S.Senthil Kumar For R1 And R2

ORDER

Challenging the impugned Order passed in I.A.No.5 of 2024, the present revision has been preferred by the first and second defendants.

2. The plaintiffs have filed the suit for permanent injunction. Pending suit, the first and second defendants have filed an application in I.A.No.5 of



2024 under Order VI Rule 17 read with Section 151 of Code of Civil Procedure to amend the prayer in the application filed by the petitioners in I.A.No.4 of 2024 stating that they had mistakenly stated in the application to strike of the plaint instead of the pleading and the said application has been allowed by the trial Court. Challenging the same, the fifth plaintiff has preferred the present revision.

2. The learned counsel appearing for the revision petitioner would submit that the prayer sought by the defendants is a malafide attempt to correct a fatal defect and the trial Court without considering the same had erroneously granted the relief which change the nature of the prayer sought in the application. Hence, the same has to be set aside.

3. Whereas the learned counsel appearing for the respondents would submit that at the time of filing of the interlocutory application, they want to strike off the pleading under Order VI Rule 17 CPC, but they had erroneously stated in the application to strike off the plaint and the same was rightly considered by the trial Court. It is their further contention that the defendants are claiming right based on the judgment and decree passed in the Original Suit in O.S.No.102 of 1995 which was obtained on 04.02.2003 and hence, prayed for dismissal of this revision.



4. The judgment passed in O.S.No.102 of 1995 was perused by this Court wherein the trial Court had passed an exparte Order without framing any proper issues and even without discussing the documents filed by the plaintiffs therein. Based on the decree, the respondents want to strike off entire pleading stating that their rights have already been declared. However, the petitioners have filed an application in I.A.No.4 of 2023 under Order VI Rule 16 read with Section 151 of Code of Civil Procedure to strike off the plaint instead of strike off the pleadings based on the exparte decree granted in favour of the respondents, even though they have not specifically stated about the pleadings which they sought to strike off. Therefore, this Court is of the view that since the decree and judgment obtained in O.S.No.102 of 1995 is not obtained either by contesting or by proper adjudication of issues, the petitioners are entitled to file an application under Order VII Rule 11 to reject the plaint.

5. Accordingly, this Civil Revision Petition is disposed of and the Order passed in I.A.No.5 of 2024 in O.S.No.120 of 2017 dated 11.06.2025 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

09-03-2026

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



WEB COPY

CRP No. 4981 of 2



T.V.THAMILSELVI, J.

VRC

CRP No. 4981 of 2025

09-03-2026