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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6772 of 2026
and CMP No. 29155 of 2026

CNR: {HCMA012411592026}

1. Siraj
   W/o. Kadhar Basha
   Vadakeeranur Village
   Sankarapuram Taluk
   Kallakurichi Dist.

2. Faritha
   W/o. Saleem
   Vadakeeranur Village
   Sankarapuram Taluk
   Kallakurichi Dist.

..Petitioner(s)

Vs

1. Allabakazi
   S/o. Sheik Hussain Saheeb
   Poottai Road
   Sankarapuram Town
   Sankarapuram Taluk
   Kallakurichi Dist.

2. Sheik Yaseen
   S/o. Imbraheem Saheeb
   Vadakeeranur Village
   Sankarapuram Taluk
   Kallakurichi Dist.

3. Kamurudeen
   S/o. Imbraheem Saheeb
   Vadakeeranur Village
   Sankarapuram Taluk

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Order QR

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Kallakurichi Dist.
Abdul wahab (Died)

4. Mallika Bee
   S/o. Abdul Wahab
   Kottaimedu,
   Kallakurichi Town,
   Kallakurichi District

5. Basha
   S/o. Abdul Wahab
   Kottaimedu,
   Kallakurichi Town,
   Kallakurichi District

6. Noorjahan
   W/o. Aadham
   KPR Nagar
   Kallakurichi Town
   Kallakurichi Dist.

7. Kamroon
   W/o Rafiq
   KPR Nagar
   Kallakurichi Town
   Kallakurichi Dist.

8. Mumtaz
   W/o. Yashiya
   KPR Nagar
   Kallakurichi Town
   Kallakurichi Dist.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A. No.472/2025 in O.S. No.57/2010 dated 31.07.2026 passed by the District Munsif Judge at Sankarapuram and to allow this Civil Revision Petition and thus render justice.

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For Petitioner(s): Mr.C.Samivel

ORDER

This Civil Revision Petition has been filed under Section 115 of C.P.C., challenging the fair and decreetal order dated 31.07.2026 passed in I.A. No.472 of 2025 in O.S. No.57 of 2010 on the file of the District Munsif Judge, Sankarapuram, wherein the application filed by the petitioners/defendants 4 and 5 for rejection of plaint under Order VII Rule 11 of C.P.C., came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The 1st respondent/plaintiff filed the suit seeking for the relief of declaration, recovery of possession and for permanent injunction. The suit was filed in the year 2010. The suit was at the stage of evidence and at that stage, the petitioners, who are the 4th and 5th defendants, filed the application for rejection of the plaint on the ground that the entire suit is a clear abuse of process of law

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and that the plaintiff is unnecessarily dragging on the suit for more than fifteen years. As a result of which all the interested parties have been put to irreparable loss and hardship.

4.The Court below dismissed the application on the ground that abuse of process of law cannot be a ground for rejection of plaint.

5.In the considered view of this Court, the order passed by the Court below does not suffer from any perversity warranting interference of this Court. The grievance expressed by the petitioners is quite understandable, since the suit has been pending for more than fifteen years. Therefore, instead of interfering with the order passed by the Court below, it will more appropriate to direct the Court below to complete the proceedings within a time frame, since the case is now at the stage of cross-examination of PW1.

6.In the light of the above discussion, the order dated 31.07.2026 passed in I.A. No.472 of 2025 in O.S. No.57 of 2010 on the file of the District Munsif Court, Sankarapuram, is confirmed.

7.In the result, this Civil Revision Petition stands disposed of with a direction to the District Munsif Judge, Sankarapuram to dispose of the suit in

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O.S. No.57 of 2010, on its own merits and in accordance with law, within a period of three months from the date of receipt of copy of this order. A compliance report shall be filed before this Court. No Costs. Consequently, the connected miscellaneous petition is closed.

28-10-2026

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

SSR

To

The District Munsif Judge, Sankarapuram.

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N.ANAND VENKATESH, J.

SSR

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