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CRP Nos. 5379 and 5381 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP Nos. 5379 and 5381 of 2025 and
CMP.No.27069 and 27074 of 2025**

CRP.No.5379 of 2025

1. A.Rajasekar

2. P.Kesavan

..Petitioners

Vs

N.Kothai

..Respondent

CRP.No.5381 of 2025

A.Rajasekar

..Petitioner

Vs

N.Kothai

Rep by her Power of Attorney P.Natarajan

..Respondent

Prayer in CRP.No.5379 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order 16.09.2025 passed in I.A.No.11 of 2025 in O.S.No.219 of 2024 on the file of the Principal District Court, Kanchipuram.

Prayer in CRP.No.5381 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order



16.09.2025 passed in I.A.No.03 of 2025 in O.S.No.309 of 2024 on the file of the Principal District Court, Kanchipuram.

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For Petitioners
(in both CRPs):

Mr.R.Singaravelan, Senior Advocate
for Mr.V.S.Jagadeesan

For Respondent
(in both CRPs):

Mr.V.Janarthanan

ORDER

These Civil Revision Petitions are filed challenging the orders passed by the trial court dismissing the applications filed by the petitioners seeking to reject the plaint in O.S.No.219 of 2024 and O.S.No.309 of 2024.

2. CRP.No.5379 of 2025 is arising out of suit for declaration and possession filed by the respondent in O.S.No.219 of 2024. The petitioners/defendants 1 and 2 filed a petition to reject the plaint and the same was dismissed by the trial court.

3. CRP.No.5381 of 2025 has been filed challenging the dismissal of the petition to reject the plaint in O.S.No.309 of 2024 filed by the respondent seeking bare injunction.

4. It is seen from the records that initially the respondent filed a suit for bare injunction in OS.No.211 of 2014 on the file of Sub-Court, Kanchipuram and the same was subsequently transferred to Principal District Court, Kanchipuram and re-numbered as O.S.No.309 of 2024. After filing of the above said suit, various documents came into existence and based on the subsequent



change of circumstances, O.S.No.219 of 2024 has been filed by the Respondent seeking declaration of title and recovery of possession.

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5. The first defendant in O.S.No.309 of 2024 and defendants 1 and 2 in O.S.No.219 of 2024 filed instant applications seeking rejection of the plaint. According to the petitioner, there were earlier suits between the predecessor in interest of the parties to the present suit and all these earlier suits were disposed of with a categorical finding in favour of predecessor of petitioner herein. Therefore, according to him, the present suit filed by the respondent was not maintainable. Secondly, it was stated by the petitioner that the suit prayer is barred by limitation.

6. It is settled law that while considering the petition for rejection of the plaint, the Court is only governed by the averments found in the plaint and the plaint documents. Further, the Court cannot refer to any documents filed by the defendants for the purpose of considering the petition for rejection of the plaint. When the petitioner submits that the present suit filed by the respondent could not be maintained in view of the findings in the earlier suit, necessarily the pleadings and the findings in the earlier suits have to be marked before the court and based on the same, the court can take a decision whether the findings in the earlier suit would operate as *res judicata*. In order to mark the pleadings in the earlier suit and the judgment containing findings in the earlier suit, necessarily the parties have to face the trial. Only based on the above mentioned vital documents to be marked at the time of trial, the Court can come to the



conclusion whether the suit prayer is barred by *resjudicata*. Therefore, the contention raised by the learned senior counsel for the petitioner that the present suit is not maintainable in the light of the findings in the earlier suit is not acceptable to this court at least for the purpose of considering the petition for rejection of the plaint. However, it is made clear that the point urged before this Court can always be raised at the time of final disposal of the suit.

7. It is also pertinent to mention that in Paragraph No. 12 of the affidavit filed in support of the petition to reject the plaint, it was specifically stated by the petitioner that the findings in the earlier suit were in favour of predecessor of the plaintiff herein. Though it is submitted on behalf of the petitioner that the findings in the earlier suit were against the plaintiff and hence, the present suit is not maintainable, in the affidavit filed in support of the petition to reject the plaint, it was admitted by the petitioner that there were categorical findings in the earlier suit in favour of predecessor of the plaintiff herein. In such a case, *prima facie*, based on the said findings in the earlier suit, the respondent can very well maintain the present suit.

8. Secondly, it was contended by the petitioner that the suit prayer is barred by limitation. If we look at the averments contained in the affidavit filed in support of the petition for rejection of the plaint, after raising a plea that the suit prayer was barred by limitation, the petitioner simply extracted the cause of action prayer in the suit and he did not elaborate how the plaint prayer was barred by limitation. When the petitioner is not able to demonstrate before this



court how the plaint prayer is barred by limitation on the face of the averments contained in the plaint, the prayer for rejection of the plaint cannot be sustained.

9. In the light of the discussion made earlier, I do not find any error in the impugned order passed by the trial court. Accordingly, both the civil revision petitions are dismissed. However, the trial court is directed to dispose of the suits without being influenced by anything said in this order and also the order impugned in these revisions.

10. Taking into consideration the litigation between the parties started as early as 2014, this Court is inclined to direct the Trial Court to dispose of the suits as expeditiously as possible having regard to the timeline already fixed by this Court in WP.No.4338 of 2022. No costs. Consequently, the connected miscellaneous petitions are closed.

23-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Principal District Court,
Kanchipuram.



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S.SOUNTHAR, J.
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