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CRP No. 192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE S. SOUNTHAR**

**CRP No. 192 of 2026 and  
CMP.No.806 of 2026**

R.Vijayakumar

..Petitioner(s)

Vs

1. N.K.Sivakumar
2. N.K.Sampath Kumar
3. N.S.Kalaiarasi
4. Minor S.S.Vijay Pranesh,(Formerly S.Pranesh),  
Represented by Father Guardian  
N.K.Sivakumar
5. The Village Administrative Officer,  
Vellakinar Village, Coimbatore North Taluk,  
Coimbatore -641 029.
6. The Thasildhar,Coimbatore North Taluk,  
Coimbatore -641 029.
7. The Revenue Divisional Officer,  
Coimbatore District.
8. The District Revenue Officer,  
Coimbatore District.
9. The District Collector,  
Coimbatore District.

..Respondent(s)



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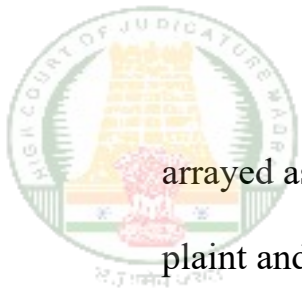
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 29.08.2024 passed in I.A.No.5 of 2023 in O.S.No.419 of 2023 by the learned IV Additional District Munsif Judge at Coimbatore.

|                    |                                       |
|--------------------|---------------------------------------|
| For Petitioner(s): | Mr.B.A.Prabhushankar                  |
| For R5 to R9:      | Mr.N.Muthuvel,<br>Government Advocate |

### **ORDER**

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner/ first defendant seeking rejection of the plaint.

2. The respondents 1 to 4/plaintiffs filed a suit for bare injunction against the petitioner and other respondents. According to them, a portion of the suit property was settled in favour of first respondent by one N.K.Kaaliappan on 16.03.2017 and the other portion was settled by him in favour of second plaintiff on the very same date. Subsequently, the said N.K.Kaaliappan executed a Will on 16.03.2017 bequeathing the remaining portion of the suit property in favour of plaintiffs 3 and 4. Thereafter, he died on 13.03.2020. Thus, the plaintiffs claim right over the suit properties. It is further stated that the petitioner/1st defendant attempted to interfere with their possession. Therefore, they were constrained to file a suit for bare injunction. The petitioner, who was



arrayed as first defendant in the suit, filed an application seeking rejection of the plaint and the same was dismissed by the trial court. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner submitted that the plaintiffs' predecessor in interest N.K.Kaaliappan filed a petition in WP.No.6913 of 2017 challenging the order passed by the District Revenue Officer in patta proceedings and the same was dismissed by the High Court. The plaintiffs suppressed the said fact and filed the present suit without any genuine cause of action.

4. A perusal of the order passed by this court in WP.No.6913 of 2017 would clearly indicate that this Court has not given any findings with regard to the title of the parties. This Court only referred about the earlier suit filed by the petitioner in O.S.No.2443 of 2008 which was dismissed for default. It is seen from the writ order that the earlier suit was also for bare injunction and the same was not decided on merits but was dismissed for default. In such circumstances, the order passed by the High Court in writ petition will not bar the institution of the present suit by the plaintiffs. When the earlier suit was not decided on merits, as mentioned earlier, in the writ order, the High Court has not given any findings with regard to the title of the parties. In such circumstances, the request made by the petitioner for rejection of the plaint cannot be accepted. Whether the petitioner attempted to interfere with the possession of the plaintiffs or not, whether the suit has got genuine cause of action are all matters to be decided



based on evidence. Hence, I do not find any error in the impugned order dismissing the application for rejection of the plaint. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

**20-01-2026**

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

nr

To

1. The IV Additional District Munsif Judge,  
Coimbatore

2. The Village Administrative Officer,  
Vellakinar Village,  
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**S.SOUNTHAR, J.**

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