



WEB COPY

CRP No. 6658 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6658 of 2025
and
CMP No. 32965 of 2025**

1. Sampooranam
2. Sampath

..Petitioners

Vs

1. Rajendiran
2. Mathivanan
3. Iyyapan
4. Janakiraman
5. Kumaravel

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Order in IA.No.163 of 2024 in OS.No.86 of 2023 dated 17.09.2025 passed by the Additional District Munsif Court, Thindivanam.

For Petitioner(s): Mr.G.Saravanabhavan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioners seeking rejection of the plaint.



2. The suit in OS.No.86 of 2023 has been filed by Tamil Nadu Eru Chakkra Vaganam Pazhudhu Paarpor Munnetra Sangangalin Kottamaippu, represented by its State Treasurer one Rajendiran and two other members of the association seeking permanent injunction restraining the petitioners and other defendants from putting up any construction in the suit property.

3. The petitioners, who are arrayed as defendants 1 and 2 in the said suit, filed instant application seeking rejection of the plaint. It was the case of the petitioners that the first respondent was removed from the post of treasurership of the association. Hence, he is not entitled to maintain a suit against the petitioners. It is further stated in the affidavit filed in support of the petition seeking rejection of the plaint that the first respondent obtained an ex-parte decree regarding invalidity of his expulsion from its association behind the back of the petitioners. The trial court dismissed the application seeking rejection of the plaint and aggrieved by the same, the petitioners/defendants 1 and 2 have come before this Court.

4. The learned counsel for the petitioners vehemently contended that the first respondent was already removed from the treasurership of the association and hence, he is not entitled to maintain a suit against the petitioners especially when the second petitioner is a newly elected office bearer of the association. Whether the first respondent was removed from the treasurership of the association or not is a question to be decided based on the evidence to be let in by the parties at the time of trial. Moreover, the petitioners, in their affidavit,



clearly admitted that challenging the removal of the first respondent from the treasurership, he filed a suit and obtained ex-parte decree against the petitioners.

If ex-parte decree is already operating against the petitioners, without challenging the same in the manner known to law, the petitioners are not entitled to contend that the first respondent is not a treasurer of the association. Moreover, a civil revision petition has been filed against the respondents 1 to 3 in their individual capacity without impleading the association which filed the plaint. In these circumstances, the plaint is not able to be rejected on the face of the averments contained therein and the petitioners failed to make out any case for invoking Order 7 Rule 11 of CPC.

5. Accordingly, the civil revision petition stands dismissed by confirming the order passed by the trial court. It is made clear that the dismissal of the civil revision petition will not come in the way of petitioners raising all defence in their written statement and the defence raised by the petitioners shall be considered by the trial court on its own merits at the time of final disposal. No costs. Consequently, the connected miscellaneous petition is closed.

28-01-2026

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

The Additional District Munsif Court,
Thindivanam



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S.SOUNTHAR J.

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