



CRP(MD). No.48 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**C.R.P(MD). No.48 of 2026
and
C.M.P(MD) No.223 of 2026**

1.N.Sami Veerappa

2.N.Kumaraguru

... Petitioners/ Petitioners/
Defendants 10 and 11

Vs

1.Muruganantham

...1st Respondent/1st Respondent
/Plaintiff

2.Jagadeesan

3.Mohan Doss

4.Sahadevan

5.Bharathi Selvam

6.Kennady

7.Vijaya Kumar

8.Selvamani

9.Jaya

1/6



CRP(MD), No.48 of 2026

10.Jayavel

... Respondents 2 to 10 /
Respondents 2 to 10 /Defendants 1 to 9

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PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 04.11.2025 made in I.A.No.5 of 2025 in O.S.No.384 of 2024 on the file of the Additional Sub Judge, Pudukkottai.

For Petitioner : Mr.Raguvaran Gopalan

ORDER

This Civil Revision Petition has been filed challenging the order dated 04.12.2025 passed in I.A.No.5 of 2025 in O.S.No.384 of 2024 on the file of the learned Additional Sub Judge, Pudukkottai.

2. The learned counsel appearing for the revision petitioners, who are defendants 10 and 11 in the suit, submitted that they had filed an application before the Additional Sub Court, Pudukkottai, under Order VII Rule 11 CPC seeking rejection of the plaint in O.S.No.384 of 2024.



CRP(MD), No.48 of 2026

3. It is the contention of the revision petitioners that an earlier suit in O.S.No.128 of 2019 was filed on the file of the District Munsif Court, Gandarvakkottai, seeking permanent injunction in respect of the B-Schedule pathway and also asserting title over the A-Schedule property. In the said suit, the first defendant, one Jegadeesan, filed an impleading application in I.A.No.62 of 2019, which was allowed. Subsequently, the first respondent herein sought amendment of the plaint by filing I.A.No. 51 of 2020 to include a claim for permanent injunction in respect of the A-Schedule property. The said amendment application was dismissed by the trial Court, taking note of the fact that the title of the first respondent was already disputed in the said suit (earlier numbered as O.S.No.77 of 2018 on the file of the District Munsif Court, Pudukkottai), wherein a written statement disputing title had been filed on 25.09.2018. It was also observed that an incorrect subdivision of Survey No.81/6A had been quoted and a final judgment had already been passed.

4. The trial Court further took into consideration the earlier suit in O.S.No.539 of 1998, wherein Survey No.81/6A, measuring a total extent of 29 cents, was divided into three portions: the western portion



CRP(MD), No.48 of 2026

belonging to Palaniappan Vellalar, the middle portion to Karuppaiya Vellalar, and the eastern portion to Narayanasamy Vellalar, each having an equal share of 9? cents. The middle portion belonging to V. Karuppaiya Vellalar was sold to K. Karuppaiya Vellalar under Sale Deed No.1355 of 1967 dated 12.09.1967. It is also admitted by the plaintiff/first respondent that V.Karuppaiya Vellalar had sold an extent of 4? cents in the middle portion to V. Narayanasamy Vellalar under registered Sale Deed No.668 of 2000 dated 07.06.2000.

5. The only point for consideration is whether the plaintiff can claim title over the A-Schedule property solely on the basis of adverse possession. Though the plea of *res judicata* and limitation was raised in the written statement, the trial Court held that *res judicata* is a mixed question of law and fact, which can be decided only after a full-fledged trial, and therefore refused to reject the plaint at the threshold.



CRP(MD), No.48 of 2026

6. Finding no infirmity or illegality in the order passed by the trial

Court, this Court sees no reason to interfere. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

12.01.2026

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To

The Additional Sub Court, Pudukkottai.



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CRP(MD). No.48 of 2026

N.SENTHILKUMAR, J.

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CRP(MD). No.48 of 2026

12.01.2026