



CRP(MD). No.228 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.228 of 2026
and
CMP(MD) No.922 of 2026**

T. Chellammal

... Petitioner

Vs

1.R.K.Satheesh

2.Kousaliya

3.The Deputy General Manager
(LPG Sales)
Indian Oil Corporation
Madurai.

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 13.10.2025 passed in I.A.No.3 of 2024 in O.S.No. 100 of 2023 on the file of the District Munsif, Eraniel.

For Petitioner : Mr.M.R.Sreenivasan



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ORDER

This Civil Revision Petition has been filed challenging the order dated 13.10.2025 made in I.A.No.3 of 2024 in O.S.No.100 of 2023, on the file of the District Munsif Court, Eraniel.

2.The first respondent/plaintiff has filed a suit in O.S.No.100 of 2023 before the District Munsif Court, Eraniel, seeking for the relief of permanent injunction along with other reliefs. Pending suit, the petitioner/second defendant filed an interlocutory application in I.A.No.3 of 2024 under Order VII Rule 11(d) of CPC, praying to reject the plaint. The trial Court, by an order dated 13.10.2025 dismissed the said application. Aggrieved over the same, the present Civil Revision Petition has been filed.

3.The primary contention of the learned counsel for the petitioner is that the suit is barred under Section 69 of the Indian Partnership Act, 1932. He would further submit that the first respondent/plaintiff is not entitled to sue the suit, since he has neither executed nor registered any document by stating that the first respondent has acquired 25% share over the suit property. Hence, he



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would submit that the plaint is a vexatious litigation and the same is liable to be rejected at the threshold.

4.This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the materials available on record. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

5.Admittedly, the scope of an application under Order VII Rule 11 of CPC is limited to examining the plaint averments alone, without embarking upon an enquiry into the truth or correctness of the allegations or the defence raised by the defendants. A plaint cannot be rejected merely on the ground that the defendants dispute the rights of the plaintiff or challenges the documents relied upon by the plaintiff. Such issues necessarily fall within the domain of the trial.

6.In the case on hand, the trial Court has rightly held that to decide a petition under Order VII Rule 11, only the plaint averments can be taken into consideration and the ground raised by the petitioner that the suit is barred by Section 69 of the Indian Partnership Act, 1932, has not been proved properly by the petitioner



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and as such, there is no sufficient material to say that the suit is barred. This Court also finds no error or infirmity in the order of the trial Court.

7.In fine, the Civil Revision Petition stands dismissed granting liberty to the petitioner to raise all defences available in law before the trial Court during trial. It is made clear that the trial Court shall decide the suit independently on its own merits, uninfluenced by any of the observations made in the impugned order or in this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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29.01.2026

To

The District Munsif, Eraniel



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N.SENTHILKUMAR, J.

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