



CRP(MD). No.307 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Dated : 06.02.2026**

CORAM

**THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**CRP(MD). No.307 of 2026  
and  
CMP(MD) No.1388 of 2026**

1.Saravanan

2.Kathiravan

... Petitioners

Vs

Muthurani

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and Ex-order dated 17.12.2025 made in I.A.No.1 of 2025 in O.S.No.546 of 2024 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

For Petitioners : Mr.G.Gomathi Sankar

For Respondent : Mr.K.Ashok Kumar Ram

**ORDER**

The instant Civil Revision Petition has been filed challenging the order dated 17.12.2025 made in I.A.No.1 of 2025 in O.S.No.546 of 2024 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.



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2.The respondent/plaintiff has filed a suit in O.S.No.546 of 2024 before the Special Court for Exclusive Trial of Cases under SC/ST (POA), Act, Dindigul for the relief of declaration and possession along with other reliefs. Pending suit, the petitioners/defendants filed an interlocutory application in I.A.No.1 of 2025 under Order VII Rule 11 of CPC, praying to reject the plaint. The trial Court, by an order dated 17.12.2025 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 petitioners is that the suit is barred by limitation. He would further submit that without obtaining the leave of the Court, the respondent has filed the present suit seeking declaration and possession in respect of the very same property. Therefore, he submit that the suit is vexatious and an abuse of process of the Court, which is clearly a forum shopping. Hence, he prays for appropriate orders.

4.The learned counsel for the respondent would submit that the prayer sought for by the petitioners for rejection of plaint is wholly unsustainable, as the issue involved is not a pure question of law but a mixed question of law and fact.



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5.This Court has carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6.Admittedly, the scope of an application under Order VII Rule 11 of CPC is limited to examine 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.

7.The contention that the suit is barred by limitation, in the considered view of this Court, depends upon various factual aspects, including the cause of action, the date of accrual of rights, and other attendant circumstances, all of which require proper pleadings and evidence. In such circumstances, the issue of limitation cannot be conclusively determined at the interlocutory stage. The Court below has rightly held that the said plea has to be decided only during trial.



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**WEB COPY** 8. In fine, the Civil Revision Petition stands dismissed granting liberty to the petitioners 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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**06.02.2026**

To

The Special Judge for Exclusive Trial of Cases  
under SC/ST (POA) Act, Dindigul.



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**N.SENTHILKUMAR, J.**

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