



CRP(MD). No.2477 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.SENTHILKUMAR

CRP(MD).No. 2477 of 2025 and
CMP(MD).No.14859 of 2025

P.Selvakumar

... Petitioner

Vs

M.Anandhi

... Respondent

PRAYER :- Civil Revision Petitions filed under Article 227 of the Constitution of India against the order dated 12.03.2025 passed in I.A.No.27 of 2023 in O.S.No.580 of 2022 on the file of the IV Additional District Judge, Madurai.

For Petitioner

: Mr.C. Jawahar Ravindran

For respondent

: Mr.S. Sukumar
for M/s.A.P.N. Law Associates

ORDER

The present Civil Revision Petition has been filed challenging the order dated 12.03.2025 passed in I.A.No.27 of 2023 in O.S.No.580 of 2022 on the file of the IV Additional District Judge, Madurai.

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Heard on both sides and perused the materials available on record.

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3. The said Interlocutory Application was filed seeking to decide the issue of res judicata as a preliminary issue. The impugned order passed by the trial Court reads as follows:

“It appears that the suit was posted for trial on 05.03.2023 and issues were already framed, including the issue ‘whether the suit is barred by res judicata’. Hence, it is unnecessary to decide this issue as a preliminary issue, as the suit is already ripe for trial. Therefore, this petition is closed.”

4. According to the petitioner, an earlier suit in O.S. No. 778 of 1998 on the file of the District Munsif, Melur, had already adjudicated the very same issue, and the present suit in O.S. No. 580 of 2022, which has been filed as a representative suit, contains identical prayers. It was therefore contended that the present suit is barred by the principle of res judicata and that this question, going to the root of the matter, ought to have been decided as a preliminary issue under Order XIV Rule 2 of the Code of Civil Procedure. However, the trial Court declined to decide the issue of res judicata as a preliminary issue and dismissed the application. Aggrieved by the same, the petitioner has filed the present revision.



5. The learned counsel appearing for the petitioner submitted that the subject matter and the reliefs sought in both suits are substantially the same and that the earlier judgment operates as res judicata. It was argued that since the issue pertains to the maintainability of the suit, the trial Court ought to have decided it at the threshold instead of postponing it to the stage of trial.

6. Per contra, the learned counsel appearing for the respondent submitted that the question of res judicata is a mixed question of law and fact and cannot be decided without examining the pleadings, issues, and evidence in both suits. It was therefore contended that the matter requires a full-fledged trial. In support of this submission, reliance was placed on the judgment of this Court reported in **2007 (4) Law Weekly 580 in A. Chinnaraj vs. Saroja Ammal**, wherein it has been held that the plea of res judicata, when it involves factual adjudication, cannot always be decided as a pure question of law at the preliminary stage. Paragraphs 4 and 7 of the said judgment is extracted hereunder:

"4.Order XIV Rule 2 CPC is extracted hereunder. "2.Court to pronounce judgment on all is-sues.-- (1) Notwithstanding that a case may be disposed of on preliminary issue, the Court shall subject to the provisions of sub-rule (2, pronounce judgment on all is-sues. (2)Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only, it may by that issue first if that issue relates



to-- (a)the jurisdiction of the Court, or (b)a bar to the suit created by any law for the time being in force, and for that purpose may, if it thinks fit postpone the settlement of the other issues until after that issue has been determined, and may deal with the suit in accordance with the decision on that issue."

7. In such view of the matter, the or-der of the trial court to the extent that it has refused to take up the question as preliminary issue is upheld. However, it is observed that the question relating to pecuniary jurisdiction as well as the ques-tion relating to sufficiency of court fee should be considered by the trial court along with other questions. It is made clear that the present order should not be considered as expressing any opinion on the merits of the contentions raised and the matter has to be decided in accord-ance with law by the trial court."

7. It is well settled that although the plea of res judicata may, in appropriate cases, be decided as a preliminary issue, such determination depends upon whether it can be adjudicated purely on the basis of admitted facts and documents. When the issue involves examination of pleadings, comparison of issues, and appreciation of evidence, it becomes a mixed question of law and fact and must be decided only after trial. In the present case, the trial Court, upon considering the stage of the suit and the fact that issues had already been framed, including the issue relating to res judicata, has exercised its discretion in holding that the said issue need not be decided separately as a preliminary issue.



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8. This Court finds no jurisdictional error or material irregularity in the order passed by the trial Court warranting interference in exercise of its revisional jurisdiction. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.02.2026

TRP

Index : yes / no

Internet: yes/ no

TO

IV Additional District Judge, Madurai.



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N.SENTHILKUMAR, J.,

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