



CRP(MD). No.3649 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3649 of 2025
and
CMP(MD) No.19320 of 2025**

1.Thoufiq

2.Rabiyul Asar

... Petitioners

Vs

1.Nabisha Beevi

2.Ashiya Beevi

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of CPC., to set aside the fair order dated 17.10.202 passed in I.A.No.3 of 2025 in O.S.No.317 of 2024 on the file of the Principal Sub Court, Tirunelveli.

For Petitioners : Mr.D.Nallathambi

For R1 : Mr.T.Selvan

For R2 : Mr.K.Sasikumar
legal aid counsel

ORDER

This Civil Revision Petition has been filed challenging the order dated 17.10.202 passed in I.A.No.3 of 2025 in O.S.No.317 of 2024 on the file of the Principal Subordinate Court, Tirunelveli.



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2.The first respondent/plaintiff has filed a suit in O.S.No.317 of 2024 for the relief of declaration of title and permanent injunction along with other reliefs. Pending suit, the petitioners/defendants 1 and 2 filed an interlocutory application in I.A.No.3 of 2025 under Order 7 Rule 11(d) CPC to reject the plaint on the ground that no cause of action arose in the suit. The said application was dismissed, vide order dated 17.10.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds of Revision. It is the main contention of the learned counsel for the petitioners that the present suit is a clear abuse of process of law, as in respect of the very same property, a suit in O.S.No.187 of 2019 pending earlier between the parties was already decided on 03.06.2020 and that the non-disclosure of the previous suit in the present plaint is a clear abuse of process of law. Hence, he prays for appropriate orders.

4.The learned legal aid counsel for the second respondent would submit that the prayer sought for by the petitioners for rejection of



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plaint is wholly un-sustainable, as the issue involved is not a pure question of law but a mixed question of law and fact.

5.Heard the learned counsel on either side and perused the records.

6.Admittedly, the issue relating to rejection of plaint involves a mixed question of law and fact, which cannot be adjudicated in a summary manner at the threshold.

7.It is the contention of the petitioners that the plaint is liable to be rejected on account of alleged suppression of material facts by the plaintiff. However, such a contention cannot be accepted at the threshold. The scope of rejection of plaint is confined to the grounds enumerated under Order VII Rule 11 CPC, namely, where, the plaint does not disclose a cause of action, where the relief claimed is undervalued, where the plaint is insufficiently stamped, or where the suit appears from the statements in the plaint to be barred by law. Allegation of suppression of facts does not fall within any of the said statutory grounds. Whether there has been suppression of material facts, and if so, its effect on the merits of the case, are matters that



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require adjudication upon evidence and cannot be decided merely on the basis of pleadings at the preliminary stage.

8.The Court below has rightly appreciated the legal position and declined to reject the plaint. This Court finds no illegality or infirmity in the order warranting interference under its revisional jurisdiction. In fine, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

9.The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the second respondent, namely, Mr.K.Sasikumar, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- towards remuneration to the legal aid counsel for the second respondent for conducting the case, within a period of two weeks from the date of receipt of a copy of this order, without fail.



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WEB COPY 10. Registry is directed to forward a copy of this order to the
Legal Aid Committee for information.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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12.02.2026

To

The Principal Subordinate Judge, Tirunelveli.



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N.SENTHILKUMAR, J.

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