



CRP(MD). No.3899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3899 of 2025

and

CMP(MD) No.20408 of 2025

Dhushyendran

... Petitioner

Vs

1.Kumar

2.Annadurai

3.Ravi

4.Gopal

5.Tamilarasan

6.Thangavel

7.Murugaiayan

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order struck down plaint in O.S.No. 506/2023 on the file of the Additional Sub Court Pudukkottai District.

For Petitioner

: Mr.R.Paranjothi for

Mr.E.Balasubramanian



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ORDER

The second defendant in the suit in O.S.No.506 of 2023 on the file of the Additional Subordinate Court, Pudukkottai, has filed the present Civil Revision Petition, to strike off the plaint in the above suit.

2.Perusal of the plaint would reveal that the suit has been filed for the relief of declaration and permanent injunction.

3.The main ground raised by the learned counsel for the petitioner is that already one Singaram @ Singaravelu has filed a suit in O.S.No. 236 of 1980 on the file of the District Munsif Court, Aranthangi, seeking the very same relief, in which, the plaintiff's father was arrayed as 19th defendant and the said suit was decreed on 28.08.1986 in favour of the plaintiff therein. The judgment and decree of the trial Court, dated 28.08.1986, was also confirmed in second appeal. Therefore, it is the contention of the learned counsel for the petitioner that the present suit is hit by *res judicata* and he would therefore pray for appropriate orders to strike off the plaint in the present suit.



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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.

6. When a matter, whether on a question of fact or on a question of law, has been decided between two parties or their privies in one suit and the said decision is final, neither party will be allowed in a future suit or proceeding to canvass the matter again and the same is barred by the principle of *res judicata*. However the plea of *res judicata* can be considered at the time of trial by the concerned Court and as such, the plaint cannot be rejected at this time on the ground of *res judicata*.

7. In view of the above, this Civil Revision Petition stands dismissed. However, the petitioner is at liberty to raise the said issues during trial.



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WEB COPY There shall be no order as to costs. Consequently connected
Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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05.01.2026

To

The Additional Subordinate Judge, Pudukkottai District.



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N.SENTHILKUMAR, J.

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