



CRP(MD). No.3826 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.3826 of 2025

and

C.M.P(MD) No.20156 of 2025

1.Radhakrishnan

2.Chelladurai

3.Muthusamy

4.Ramachandran

5.Kaliammal

Petitioners

Vs

1.Justin Gurupatham

2.Kalainjiyam

3.The Sub-Registrar,
Sub-Registrar Office,
Sivagiri, Tenkasi District.

4.The Sub-Registrar,
Sub-Registrar Office,
Kovilpatti, Thoothukudi District.

5.The Tahsildar,
Tahsildar Office,
Sivagiri, Tenkasi District.

6.Elangovan

... Respondents

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PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this petition by setting aside the fair and decreetal order passed in I.A.No.6 of 2023 in O.S.No.132 of 2021 on the file of the Principal District Munsif Court, Sivagiri, dated 17.09.2025.

For Petitioners : Mr.H.Arumugam

For R1 : Mr.V.Sathurthi Raja

For R3 to R5 : Mr.P.Thambidurai
Government Advocate

ORDER

This Civil Revision Petition has been filed challenging the order dated 17.09.2025 passed in I.A.No.6 of 2023 in O.S.No.132 of 2021 on the file of the Principal District Munsif Court, Sivagiri, whereby the application filed under Order VII Rule 11 CPC seeking rejection of the plaint was dismissed.

2. The learned counsel appearing for the revision petitioners submitted that no legally enforceable right has been shown to have vested with the plaintiff in respect of the suit property. The plaintiff has instituted the suit and upon service of summons, the defendants entered appearance and filed an application under Order VII Rule 11 CPC



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seeking rejection of the plaint. However, the said application was dismissed by the trial Court by order, dated 17.09.2025.

3. The trial Court, while dismissing the said application, observed that the suit properties in Survey No.1008/1 stand in the names of Jeyachandra Naidu, Sankara Pandiya Thevar, C.Mahalingam and Pothiyappan, and Survey No.1008/3 stand in the names of Jeyachandra Naidu, V.Rajumannar, C.Mahalingam and V.Kalimuthu Nadar, as found in the old Settlement Land Register (SLR). It was further observed that in the present patta No.2613, the names of Muthuveerappa Thevar and Mahalingam have been reflected in respect of both survey numbers from the year 1967 onwards. According to the revision petitioners, the plaintiff and defendants 5, 7 to 10 have not stated in the plaint as to how and in what manner they derived their right over the suit properties.

4. The learned counsel appearing for the first respondent/plaintiff contended that the plaintiff is an agriculturist taking care of the suit properties and that he derived his right from the erstwhile owners, namely Jeyachandra Naidu and others.



5. However, the plaint does not disclose any material particulars or the manner, in which, the plaintiff derived such right from the said persons. No foundational facts have been pleaded in the plaint to establish the origin of the plaintiff's alleged right.

6. It is well settled that a plaint must disclose a clear cause of action. Order VII Rule 11 CPC mandates rejection of the plaint, where it does not disclose a cause of action.

7. The learned counsel for the revision petitioners pointed out Section 4 of the Specific Relief Act and the same is extracted hereunder:

4. Specific relief to be granted only for enforcing individual civil rights and not for enforcing penal laws.—Specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law.

8. In the absence of any specific pleadings or material particulars showing the basis of the plaintiff's right, the plaint does not disclose a valid cause of action to maintain the suit.



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9. The trial Court, without properly examining, whether the plaint discloses the necessary ingredients constituting a cause of action, dismissed the application. When the plaint itself does not disclose the manner, in which, the plaintiff derived title or right over the suit property, permitting the suit to proceed would amount to allowing litigation without any foundational pleadings.

10. Therefore, this Court is of the considered view that the order passed by the trial Court dismissing the application filed under Order VII Rule 11 CPC is liable to be interfered with.

11. Accordingly, the order, dated 17.09.2025 passed in I.A.No.6 of 2023 in O.S.No.132 of 2021 on the file of the Principal District Munsif Court, Sivagiri, is set aside and the application filed under Order VII Rule 11 CPC stands allowed. Consequently, the plaint in O.S.No.132 of 2021 is rejected. Accordingly, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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N.SENTHILKUMAR, J.

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To

The Principal District Munsif Court, Sivagiri.

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