



CRP(MD). No.3762 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3762 of 2025
and CMP(MD).No.19804 of 2025**

1.Subbulakshmi
2.Ramasubramaniaraja
3.Rajeshwari

... Petitioners

Vs.

1.Saraswathi @ Saraswathi Ammal
2.Vellapandi

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 21-07-2025 passed in I.A.No.04 of 2025 in O.S.No.216 of 2024 on the file of the learned I Additional District Judge, Tirunelveli and allow the above civil revision petition.

For Petitioners : Mr.B.Prahalad Ravi

For Respondents : Mr.R.Velmurugan for R1
Mr.K.Suresh for R2

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 21-07-2025 passed in I.A.No.04 of 2025 in O.S.No.216 of 2024 on



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the file of the learned I Additional District Judge, Tirunelveli and allow the above civil revision petition.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the records.

3.The present Civil Revision Petition has been filed challenging the order passed by the trial Court in I.A. No. 4 of 2025, whereby, the petition filed under Order 7 Rule 11 of CPC was dismissed.

4.The learned counsel for the revision petitioner submitted that, between the same parties, an earlier suit in O.S. No. 106 of 2003 had been decreed by the trial Court. Challenging the same, a first appeal was filed, wherein the judgment and decree in O.S. No. 106 of 2003 were reversed. Aggrieved by the same, second appeals in S.A. Nos. 513 and 907 of 2023 were preferred before this Court, and this Court reversed the findings of the appellate Court and restored the judgment and decree passed in O.S. No. 106 of 2003.

5.The learned counsel for the petitioner further submitted that the present suit relates to Survey No. 382A/27, which is distinct and different from the



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property involved in the earlier proceedings. Though the parties are the same, the subject matter of the suit is different, and therefore, the plea of res judicata cannot be applied at the threshold. It is contended that the question of res judicata requires adjudication based on evidence and cannot be a ground for rejection of the plaint at this stage.

6.Per contra, the learned counsel for the respondents submitted that the issues raised, including the identity and correlation of the survey numbers, namely Survey Nos. 382A/14 and 382A/27 can be established only during trial. It is further contended that the revision petitioner himself disputes the survey numbers, claiming that Survey No. 382A/27 forms part of Survey No. 382A/14, and such discrepancies arising out of re-survey or sub-division can be resolved only upon appreciation of evidence.

7.This Court is of the view that the questions relating to res judicata, identity of property, and correlation of survey numbers involve mixed questions of fact and law, which require proper adjudication before the trial Court.

8.In view of the above, this Court finds no infirmity in the order passed by the trial Court.



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9. Accordingly, the Civil Revision Petition is dismissed. It is made clear that the trial court shall pass judgment without influenced by this order. No costs. Consequently, connected miscellaneous petition is closed.

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

23.02.2026

To

1. The I Additional District Judge, Tirunelveli.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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