



CRP(MD). No.133 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.133 of 2026

and

C.M.P(MD) No.580 of 2026

1.Karthiga

2.Jothymani

3.Kavitha

... Petitioners

Vs

1.Sunthayi

2.Vellathayi

3.Poongodi

4.Suba

5.Suresh

6.Botharaj

7.Thedaselvam

8.Annakodi

9.Jayakodi

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10.Amsavalli

... Respondents

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PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the proceedings in O.S.No.190 of 2025 on the file of the learned Sub Court, Usilampatti, Madurai District and struck off the same by allowing this Civil Revision Petition as far as these petitioners are concerned.

For Petitioner : Mr.R.Murugappan

ORDER

This Civil Revision Petition has been filed to struck off the plaint in O.S.No.190 of 2025 on the file of the learned Sub Court, Usilampatti, Madurai District, insofar as the petitioners are concerned.

2. The main contention of the learned counsel appearing for the petitioners is that, though the suit has been filed for partition and declaration, the first respondent/plaintiff has not produced sufficient material against the defendants in support of her claim and that the plaint does not disclose any cause of action.



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3. However, it is pertinent to note that the Hon'ble Supreme Court in *Eldeco Housing and Industries Limited Vs. Ashok Vidyarthi and Others*, reported in 2023 LiveLaw (SC) 1033, has held as follows:

26. However, the fact remains that all the aforesaid documents, referred to by the respondent in support of his plea for rejection of the plaint, cannot be considered at this stage as these are not part of the record with the Court filed along with the plaint. This is the stand taken by the respondent-defendant in the application filed under Order VII Rule 11 C.P.C. As noticed above, no amount of evidence or merits of the controversy can be examined at the stage of decision of the application under Order VII Rule 11 C.P.C. Hence, in our view, the impugned order of the High Court passed in the Review Application deserves to be set aside. Ordered accordingly.

4. In the above judgment, the Hon'ble Supreme Court has held that, while considering an application under Order VII Rule 11 C.P.C. for rejection of the plaint, the Court cannot examine the merits of the case or the sufficiency of evidence and only the averments made in the plaint are to be considered. No amount of evidence or defence can be looked into at



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that stage.

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5. The same principle squarely applies to the present case. Whether the plaintiff has sufficient material to substantiate her claim or whether the claim will ultimately succeed are matters to be decided only during trial and cannot be a ground to strike off the plaint at this stage.

6. In the light of the judgment of the Hon'ble Supreme Court cited above, this Court does not find any ground to interfere with the proceedings in O.S.No.190 of 2025 on the file of the learned Sub Court, Usilampatti, Madurai District.

7. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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

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To

- 1.The Sub Court, Usilampatti,
Madurai District.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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