



CRP(MD). No.3931 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 06.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.3931 of 2025

and

C.M.P(MD) No.20502 of 2025

1.C.Kathiresan

2.C.Subbaiah

3.C.Selvaraj

4.K.Velurajam

5.K.Geetha

... Petitioners/Defendants 2 to 6

Vs

1.K.Kesavan

2.K.Malliga

3.K.Rajeshwari

... Respondents 1 to 3/Plaintiffs 1 to 3

4.C.Gopal

... 4th Respondent /1st Defendant

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint/suit in O.S.No.73 of 2025 on the file of the Principal District Court, Ramanthapuram and allow the above Civil Revision Petition.



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For Petitioners : Mr.C.Gangai Amaran

ORDER

The present Civil Revision Petition has been filed seeking to strike off the plaint in O.S.No.73 of 2025 on the file of the Principal District Court, Ramanathapuram.

2. The learned counsel appearing for the revision petitioners submits that the petitioners are the children of one Karuppayee Ammal, who was arrayed as a defendant in the earlier suit in O.S.No.605 of 1993 filed by Mallika, Rajeshwari and Kesavan, in which a judgment was delivered by the learned Additional Sub Court, Ramanathapuram, on 13.01.1997. The prayer in the said suit was for declaration, whereas the present suit in O.S.No.73 of 2025 has been filed seeking partition.

3. The learned counsel further contended that since the parties and the issues in both suits are one and the same, the present suit is vexatious in nature and is barred by the principle of res judicata.



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4. It is the claim of the revision petitioners that they are the legal heirs of the said Karuppayee Ammal, who was a defendant in the earlier suit. However, the earlier suit was for declaration, whereas the present suit is for partition. Though the parties may be the same, the reliefs sought in the two suits are different. Therefore, the bar of res judicata does not apply.

5. Hence, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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

06.01.2026

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To

The Principal District Court,
Ramanthapuram.

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N.SENTHILKUMAR, J.

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