

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10037-10038 OF 2026
[@ SPECIAL LEAVE PETITION (C) Nos. 27427-27428 OF 2023]

M/S KARUNYA EDUCATIONAL TRUST

Appellant(s)

VERSUS

M/S CHINMAYA GARDEN TRUST & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. These appeals are directed against the order dated 28.06.2023 passed by the High Court in CRP Nos. 4380 and 4381 of 2015, by which the High Court has allowed the petitions filed by the respondents and set aside the order passed by the Trial Court, by which it had rejected the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 ["the Code"].
3. The facts giving rise to filing of these appeals are that the appellant had filed a suit seeking declaration of title, partition and consequential reliefs in respect of the suit schedule properties. The respondents filed an application under Order VII Rule 11 of the Code seeking rejection on the ground that the same is barred by *res judicata*. The Trial Court, by an order dated 10.08.2015, rejected the application under Order VII Rule 11 of the Code on the ground that the issue requires adjudication after recording of the evidence and cannot be decided by

means of an application under Order VII Rule 11 of the Code.

4. Being aggrieved, the respondents filed a Revision before the High Court. The High Court, by impugned order dated 28.06.2023, allowed the revision and rejected the plaint.

5. We have heard learned counsel for the appellant and the respondents at length and perused the record. From the perusal of the order passed by the High Court, it is evident that the High Court, while deciding the Revision, has travelled beyond the plaint and has looked into the documents filed by the respondents along with the application under Order VII Rule 11 and proceeded to record a finding that the appellant does not hold a valid title, as the same has been earlier adjudicated in the Partition Suit, namely O.S. No. 517 of 1992.

6. It is well-settled in law that while deciding an application under Order VII Rule 11 of the Code, the court can only look into the averments of plaint and cannot consider other documents. In the instant case, the High Court while deciding the application under Order VII Rule 11 of the Code considered the documents filed by the respondents.

7. For the aforementioned reasons, the impugned order passed by the High Court is set aside. The civil suit filed by the appellant is restored to its

original number. The Trial Court, on the basis of the pleadings of the parties, shall frame issues, including the issue on maintainability of the suit on the ground of *res judicata* and shall proceed to decide the suit.

8. Since the suit dates back to 2013, we direct the Trial Court to decide the same as expeditiously as possible, preferably within a period of one year from today. Accordingly, the civil appeals are allowed.

9. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
AUGUST 04, 2026.

ITEM NO.26

COURT NO.5

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 27427-27428 of 2023

(Arising out of impugned final judgment and order dated 28.06.2023 in CRP No. 4380/2015 and 28.06.2023 in CRP No. 4381 of 2015 passed by the High Court of Judicature at Madras]

M/S KARUNYA EDUCATIONAL TRUST

Appellant(s)

VERSUS

M/S CHINMAYA GARDEN TRUST & ORS.

Respondent(s)

IA No. 249608/2023 - EXEMPTION FROM FILING O.T.

IA No. 157590/2024 - STAY APPLICATION

Date : 04-08-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) : Mr. Ebenezer Paul, Adv.
Mr. B Surendhar, Adv.
Mr. Dinesh Balachandran, Adv.
Mr. Nagarjun Sahu, Adv.
Mr. Pranjal Kishore, AOR

For Respondent(s) : Mr. Vijay Kumar, AOR

Mr. M.s. Vishnu Sankar, Adv.
Ms. Athira G Nair, Adv.
Mr. Aditya Santosh, Adv.
Ms. Dimple Nagpal, Adv.
Mr. Vinayak Haritesh, Adv.
M/s Lawfic, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The civil appeals are allowed in terms of the signed order.
3. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)