

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 1915 of 2026

1. Jayasri
2. Master Srivin (Minor)
Rep by his mother/natural guardian Jayasri,
Villupuram.

..Petitioner(s)

Vs

S. Perumal

..Respondent(s)

This Civil Revision Petitioner has been filed under Article 227 of the Constitution of India seeking to set aside the Order dated 10.12.2025 passed in IA No.9 of 2025 in OS No.238 of 2024 on the file of the Learned Additional Sub Judge at Puducherry and to reject the plaint in OS.No.238 of 2024 by this Court.

For Petitioner(s): Mr.A.M.Sheik Mohammed Rafiq

For Respondent(s): Set exparte

ORDER

This Civil Revision Petition (CRP) has been filed challenging the impugned order passed by the I Additional Sub-Court, Puducherry, in I.A.No.9 of 2025 in O.S.No.238 of 2024, dated 10.12.2025. In the aforesaid order, the application filed by the petitioners, who are the defendants in the suit, seeking

for rejection of plaint under Order VII Rule 11(a) & (b) read with Section 151 of the Code of Civil Procedure Code, 1908 (CPC), has been dismissed.

2. According to the petitioners, the suit filed by the respondent/plaintiff is barred by the law of limitation, and there is no cause of action for the respondent/plaintiff to sue the petitioners/defendants. The first petitioner is the wife, and the second petitioner is her minor son, who was born out of the wedlock between the first petitioner and the son of the respondent/plaintiff by name Vibushnan. When the first petitioner's husband was alive, the respondent/plaintiff had executed a settlement deed dated 27.05.2015 in favour of his son Vibushnan, who had committed suicide and died on 19.08.2022. After the death of Vibushnan, the respondent/plaintiff has filed this suit O.S.No.238 of 2024 against the petitioners/defendants seeking for the cancellation of the settlement deed dated 27.05.2015.

3. Since the said suit was filed only in the year 2024, after a lapse of almost 9 years from the date when the settlement deed was executed in favour of Vibushnan, the petitioners/defendants filed I.A.No.9 of 2025 under Order VII Rule 11(a) & (b) read with Section 151 of CPC seeking to reject the plaint filed by the respondent/plaintiff on the ground that the suit is barred by law of limitation, and that there is no cause of action for the plaintiff to sue the defendants.

4. Under the impugned order, the trial Court while dismissing the defendants' application had observed that the question of limitation is a mixed question of fact and law, and therefore, it cannot be decided in an application filed under Order VII Rule 11(a) & (b) of CPC, as, according to the trial Court, only after the trial, the issue of limitation can be decided. The other aspect raised by the petitioners/defendants, namely, that there is no cause of action against them, the trial Court had also rejected the said contention in the application filed by the petitioners/defendants under Order VII Rule 11(a) & (b) of CPC, as, according to the trial Court, the said aspect is not sustainable, since the proceedings before the Sub-Collector and the District Collector, are not judicial proceedings, and the findings therein will not bind upon the trial Court.

5. Apart from the aforesaid two grounds, the petitioners/defendants had also raised the ground of under valuation of the suit in the application filed seeking for rejection of plaint. The said ground was also rejected by the trial Court under the impugned order by stating that as per the value mentioned in the document, the suit relief was properly valued, and therefore, rejection of plaint under Order VII Rule 11(a) & (b) of CPC is not maintainable.

6. The learned counsel for the petitioners did not press upon the third ground, namely, under valuation of the suit, but, stressed upon the other two grounds, namely, "limitation issue" and "no cause of action".

7. Notice sent to the respondent/plaintiff has been returned with endorsement 'refused' on 05.06.2026. The endorsement 'refused' will amount to deemed service. The name of the respondent is also printed in the cause list today. Despite the same, no one has entered appearance till date on behalf of the respondent. Hence, the respondent/plaintiff is set exparte by this Court.

8. Admittedly, the settlement deed was executed only by the respondent/plaintiff in favour of his son Vibushnan. The said settlement deed was executed on 27.05.2015. However, the suit O.S.No.238 of 2024 was filed by the respondent/plaintiff before the Additional Sub-Court, Puducherry, seeking for cancellation of settlement deed dated 27.05.2015 only in the year 2024, after a lapse of almost 9 years. The respondent/plaintiff's son also committed suicide and died on 19.08.2022. When the settlement deed was executed as early as in the year 2015 itself, the respondent/plaintiff, who is the author of the said settlement deed and the settlor, ought to have filed the suit within a period of three years from the date of execution of the settlement deed. However, the respondent/plaintiff, for the reasons best known to him, has thought it fit to file the suit only in the year 2024, after a lapse of almost 9 years from the date of execution of the settlement deed.

9. The trial Court, under the impugned order, without giving any reason, in a mechanical fashion, has dismissed the application by holding that the

limitation issue raised by the petitioners/defendants is a mixed question of fact and law. But, on the face of it, it can be ascertained that the suit is hopelessly barred by law of limitation. When it is clear that the suit has been filed only after a lapse of almost 9 years from the date of execution of settlement deed, the trial Court need not have observed in a mechanical fashion that the limitation issue is a mixed question of fact and law. The trial Court, while coming to the said conclusion, has not considered the date of execution of the settlement deed, and the date of filing of the suit by the plaintiff, which would clearly reveal that the suit is hopelessly barred by law of limitation.

10. The second aspect raised by the petitioners/defendants that there is no cause of action for the respondent/plaintiff to sue the petitioners/defendants is immaterial for this Court to decide in this Civil Revision Petition, since, on the face of the documents placed on record before the trial Court, it is clear that the suit filed by the respondent/plaintiff is hopelessly barred by law of limitation.

11. For the foregoing reasons, this Court is of the considered view that the trial Court has committed an error by rejecting the petitioners/defendants' application seeking for rejection of plaint, as it is undoubtedly clear that the suit filed by the plaintiff is hopelessly barred by the law of limitation. Accordingly, the impugned order passed by the Additional Sub-Court, Puducherry, in I.A.No.09 of 2025 in O.S.No.238 of 2024, dated 10.12.2025, is set aside by this

Court, and the Civil Revision Petition is allowed, and the plaint filed by the respondent/plaintiff in O.S.No.238 of 2024 is rejected under Order VII Rule 11 of CPC. No Costs. CMP.No.8595 of 2026 is closed.

17-07-2026

Neutral Citation: Yes/No
RKM

To
Additional Sub-Court,
Puducherry.

ABDUL QUDDHOSE, J.

RKM

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