



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3707 of 2026 AND CMP NO. 16103 OF 2026

1. Rajkumar

2. Sasikala

Petitioner(s)

Vs

1. Jeyachithra

2. Vetriselvi

Respondent(s)

PRAYER

To set aside the order and decree dated 28.04.2026 passed by the Learned Addl. District Munsif, Thittagudi in IA No.2 of 2024 in OS No.55 of 2023 and thus render justice.

For Petitioner(s): Ms.Sruti For Mr.A.Jagadeeswari

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 28.04.2026 passed by the Additional District Munsif, Thittagudi in I.A. No.2 of 2024 in O.S. No.55 of 2023.



2. Under the aforesaid order, the application filed by the defendants seeking to reject the plaint filed in O.S. No.55 of 2023 has been dismissed.

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3. Learned counsel for the petitioners submits that in respect of the very same cause of action, another suit is already pending i.e. O.S. No.164 of 2013, which has also been filed for partition involving the very same parties. Therefore, according to her, the Trial Court ought to have allowed the application filed by the defendants seeking for rejection of plaint. The contentions of the petitioners have been duly considered by the Trial Court while dismissing the application seeking for rejection of plaint. The Trial Court, while dismissing the application has given the following reasons:

a) An application under Order VII Rule 11 CPC seeking for rejection of plaint must confine itself only to the averments made in the plaint and the documents relied upon by the plaintiff. The defence taken by the defendants cannot be looked into at this stage;

b) A plaint can be rejected on the ground of limitation only if it is apparent on the face of the plaint that the suit is barred by law. In the present case, a reading of the plaint shows that the plaintiff has pleaded the cause of action and the circumstances under which the suit has been filed. The plaintiff has also averred facts indicating that the cause of action arose on subsequent dates;

c) An order of joint trial was passed by the Principal District and Sessions Judge, Cuddalore in Tr.OP. No.131 of 2025 dated 08.12.2025 by transferring the



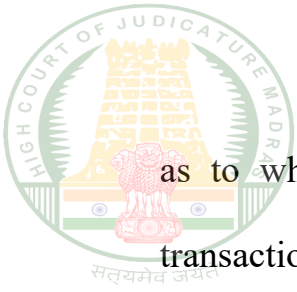
suit in O.S. No.55 of 2023 on the file of the Principal District Munsif, Tittagudi to this Court for conducting joint trial along with the suit in O.S. No.164 of 2013 pending on the file of the Additional District Munsif, Thittagudi;

d)The question as to when exactly the cause of action arose and whether the suit is within the limitation requires examination of evidence. Thus the issue of limitation in the present case cannot be decided merely on a bare reading of the plaint without conducting a trial;

e)It is well settled that where the question of limitation is a mixed question of fact and law, the plaint cannot be rejected under Order VII Rule 11 CPC.

4.The Trial Court has also taken into consideration various decisions rendered by the Hon'ble Supreme Court for dismissing the petitioners' application seeking for rejection of plaint.

5.It is well settled that Article 59 of the Limitation Act, 1963 governs suits seeking cancellation of an instrument and prescribes a period of limitation of three years from the date when the plaintiff first had knowledge of the facts entitling him to such relief. The emphasis under Article 59 is not on the date of the transaction per se, but on the accrual of the cause of action, which in cases involving allegations of fraud or unauthorised execution of documents, hinges upon the date on which the plaintiff acquired knowledge of such facts. The issue

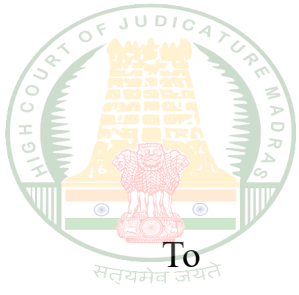


as to whether the plaintiff had prior notice or reason to be aware of the transaction at an earlier point of time or whether the plea regarding the date of knowledge is credible are matters that necessarily require appreciation of evidence.

6. This Court is of the considered view that the Trial Court has passed a well considered order and only thereafter, has dismissed the application filed by the petitioners under Order VII Rule 11 of CPC as they have not satisfied the tests required for rejection of plaint. Being a well considered order which has been passed only in accordance with law, the question of interfering with the impugned order by this Court does not arise. This Court does not find any merit in this petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected CMP is closed. No costs.

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1. The Additional District Munsif, Thittagudi.
2. The Section Officer, VR Section, High Court, Madras.



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ABDUL QUDDHOSE J.

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