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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 4947 of 2026
and CMP No.21621 of 2026**

1. M/s.Trans India Resorts Limited
Rep. by its Chairman, R.Marimuthu,
Having office at Vasavi Flats, No.37
Sarojini Street, T.Nagar, Chennai 600
017.

2. The Managing Director
M/s. Trans India Resorts Ltd.,
Vasavi Flats, No.37 Sarojini Street,
T.Nagar, Chennai 600 017.

3. D.Ravi Prakash
Authorised Signatory, Trans India
Resorts Ltd., S/o.Late Dasarathan,
Greenwood Bungalow Silky Road,
Ootacamund, The Nilgiris.

Petitioner(s)

Vs

C.Gopinath

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to set aside the judgement and decretal order dated 03-06-2026 passed in IA.No.1 of 2025 in OS.No.86 of 2025, on the file of the Principal Subordinate Judge at Nilgiris.

For Petitioner(s): R.Harinath



ORDER

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This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decreetal order passed in IA.No.1 of 2025 in OS.No86 of 2025, on the file of the Principal Subordinate Judge, Nilgiris. Dated 03.06.2026, wherein the application filed by the petitioners under Order VII Rule 11 of CPC, to reject the plaint came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record. This Court also went through the order passed by the Court below.

3.The respondent is the plaintiff who filed the suit in OS.No.86 of 2025, seeking for the relief of recovery of money. During the pendency of the suit, the application came to be filed before the Court below under Order VII Rule 11 of CPC, to reject the plaint on the ground that the relief sought for by the plaintiff is barred by limitation and that there is no cause of action for the plaintiff to prosecute the suit. This application came to be rejected by the Court below by order dated 03.06.2026. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.



4. The main ground that was urged by the learned counsel for the petitioners is that there was absolutely no agreement between the 1st and 2nd petitioners and the respondent and admittedly the agreement of sale was entered into between the plaintiff and the 3rd defendant. Hence, there was no cause of action to prosecute the suit as against the 1st and 2nd petitioners. It is further submitted that the relief sought for by the plaintiff is barred by limitation since even as per the plaint averment, last payment was made on 09.10.2021 and whereas the suit was filed only in the year 2024 beyond three years.

5. In the considered view of this Court, the Court below has dealt with the grounds raised and has come to a conclusion that insofar as the issue of limitation is concerned, it is a mixed question of fact and law and in the light of the disputed facts, this issue can be decided only after a full fledged trial. Insofar as the cause of action is concerned, the Court below came to a conclusion that the pleadings in the plaint makes out a *prima facie* cause of action. In view of the same, the Court below has dismissed the application.

6. If according to the 1st and 2nd petitioners, the Company did not enter into any agreement of sale with the plaintiff and the agreement of sale was entered into between the plaintiff and the 3rd defendant and therefore, there was no cause of action to proceed against the 1st and 2nd positioners, and the 1st and 2nd positioners ought to have sought for the relief of striking of their names from



the proceedings. Instead, the application has been filed under Order VII Rule 11 of CPC to reject the plaint.

7.A plaint cannot be rejected in part and the law on this issue is now too well settled. Useful reference can be made to the judgments of the Apex Court in **Sejal Glass Ltd, v. Navilan Merchants Pvt.Ltd.**, reported in **2018 1 LW 447** and **Madhav Prasad Aggarwal and Ors. vs. Axis Bank Ltd., and Ors.**, reported in **2019 4 CTC 721**. The appropriate relief which the 1st and 2nd petitioners ought to have sought for is for striking of the 1st and 2nd petitioners from the array of party in the suit on the ground that they are not necessary parties since there is no privity of contract between them and the plaintiff and therefore there was no cause of action to proceed further as against the 1st and 2nd petitioners. This has not been done and the Court below has rightly dealt with the application filed under Order VII Rule 11 of CPC and dismissed the application. The order passed by the Court below does not suffer from any perversity warranting the interference of this Court. If the 1st and 2nd petitioners are so advised, it is left open to them to seek for striking of their names and if such application is filed, the same will be dealt with on its own merits and in accordance with law.



In the result, this Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

19-08-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

Principal Subordinate Judge
Nilgiris.



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N.ANAND VENKATESH J.

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