



C.R.P.No.19 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.19 of 2024
and C.M.P.No.63 of 2024

1.D.Revathy

2.D.Saroja

3.D.Arun Kumar

4.D.Jayaraman

5.D.Rajesh

6.D.Dharani

7.D.Gopi

8.D.Raghu

9.D.Padmavathy

10.D.Sudha

... Petitioners

VS.

C.Venkatraman (Died)

1.J.Vembuli



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2.J.Lakshmi

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(Respondents 1 and 2 Co-defendants not necessary parties vide court order dated 27.10.2025 made in CRP.No.19 of 2024 and CMP.No.63 of 2024)

3.V.Pushpa

4.V.Ulaganathan

5.K.Sasikala

6.V.Akalya

... Respondents

(Respondents 4 to 7 were impleaded as legal representatives of the deceased first respondent as per order in I.A.No.94 of 2018 dated 16.04.2018)

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order dated 30.03.2023 passed in I.A.No.26 of 2012 in O.S.No.11 of 2011 on the file of Additional District Judge, Chengalpattu and consequently allow the same in the interest of justice, equity and good conscience.

For Petitioners : Mr.M.L.Ganesh

For R3 to R6 : Mr.V.Rajesh



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Additional District Judge, Chengalpattu in I.A.No.26 of 2012 in O.S.No.11 of 2011, dated 30.03.2023 dismissing the application filed by the defendants 1 to 10 seeking rejection of the plaint.

2. The predecessor-in-interest of plaintiffs 2 to 5/respondents 3 to 6 namely C.Venkataraman filed a suit for partition in O.S.No.11 of 2011 on the file of the Additional District Judge, Chengalpattu. Pending suit, he died and his legal representatives namely wife and children/respondents 3 to 6 were brought on record as plaintiffs 2 to 5. According to the plaintiffs, 1 acre and 38 cents of land in S.No.139 in Nemulicheri Village, Chrompet, Chennai was purchased by one Kallappa Pillai on 28.05.1896 under the Registered Document No.1157 of 1896. He died intestate leaving behind his only son Kanniga Pillai. The said Kanniga Pillai purchased 77 cents in S.No.91/1B in Nemulicheri Village, Chrompet under the Registered Document No.1035 of 1926 and enjoyed all the properties till his death on 01.07.1957. He died intestate leaving behind his daughters Kuppammal, Nagammal, Chellammal and his son Ethiraj Pillai. The deceased Plaintiff-



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C.Venkataraman claims right under Chellammal. The 1st defendant/1st petitioner claims right under Ethiraj Pillai. The defendants 2 to 10/petitioners 2 to 10 claim right under Kuppammal. The defendants 11 and 12 claim right under Nagammal.

3. It is admitted by the plaintiffs that the plaintiffs (original deceased plaintiff-Venkataraman and other sharers) executed a General Power of Attorney in favour of 1st defendant-D.Revathy on 03.10.1996 in respect of the suit property. It is stated that though the said Power Deed was executed enabling the 1st defendant to sell/lease/gift or mortgage the suit property, cunningly the 1st defendant executed a Released Deed dated 14.11.1996 in Document No.2773 of 1997 in favour of her father deceased-Ethiraj Pillai. Subsequently, the said Power Deed was cancelled by Jayraman on 24.04.1998. Notwithstanding the cancellation of Power Deed, the 1st defendant sold 71 cents of land in favour of Immaculate Conception Church and the said sale has not been questioned by the plaintiffs. The instant suit has been filed by the plaintiffs in respect of remaining extent of properties in 1 acre 44 cents. According to the plaintiffs, the remaining extent of 1 acre 44 cents have been in joint possession of parties and consequently, laid a suit for partition.



4. The defendants 1 to 10 in the suit filed an application for rejection of the plaint on the ground that the plaintiffs and other co-owners already executed a Release Deed in favour of 1st defendant's father Either Pillai in the year 1996 and the same has been admitted by the plaintiffs. In such circumstances, the suit for partition would not lie. It was also stated that one of the co-owner, who was also party to the Power Deed laid a suit for partition in O.S.No.716 of 2002 on the file of the Additional Sub Court, Chengalpattu seeking a relief of partition. The 1st defendant filed an application in I.A.No.147 of 2003 seeking rejection of the said plaint and the same was allowed on 20.10.2004. It is further stated that the deceased plaintiff-C.Venkataraman in the said suit filed a written statement ratifying Released Deed executed in favour of 1st defendant's father and thus, he was estopped from claiming any right in the suit property. The petition for rejection of the plaint filed by the petitioners/defendants 1 to 10 was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.

5. The learned counsel appearing for the petitioners would submit that the plaintiffs and other co-owners executed a Release Deed in favour of 1st petitioner's father Ethiraj Pillai in the year 1996 as admitted in the plaint



averment and in such circumstances, the suit for partition filed by the co-owner, who released his share in favour of Ethiraj Pillai is not at all maintainable. The learned counsel also placed reliance on the order passed in I.A.No.147 of 2003, dated 20.10.2004 in a petition for rejection of the plaint filed a suit for partition filed by Ethiraj Pillai.

6. The learned counsel appearing for the respondents would submit that the General Power of Attorney executed by plaintiff and other co-owners only authorised the 1st defendant to sell/lease or mortgage the subject properties and no power was given to 1st defendant to release the Power Deed in favour of Ethiraj Pillai and the 1st defendant cunningly executed a Release Deed dated 14.11.1996 in favour of her father. Therefore, the said document is null and void.

7. A perusal of the plaint averment would indicate that the General Power of Attorney executed in favour of 1st defendant and Released Deed executed in favour of 1st defendant's father-Ethiraj Pillai have been clearly admitted in plaint. However, it is the case of the plaintiffs that though the General Power of Attorney authorised the 1st defendant to sell/lease/gift or mortgage the suit property, exceeding the power, the 1st defendant executed



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a Released Deed in favour of her father. Therefore, the said document was null and void. The Power Deed was produced as Document No.3 before the Court. While considering the petition for rejection of the plaint, the Court is governed by the averments found in the plaint and the plaint documents.

8. A perusal of the Power Deed which was produced as Document No.3 would indicate that the 1st defendant was given power not only to sell the property but also given power to release the properties in favour of her father-Ethiraj Pillai. Therefore, it is clear pursuant to the power granted in her favour under General Power of Attorney dated 03.10.1996, the 1st defendant executed a Release Deed in favour of her father Ethiraj Pillai as early as 14.11.1996. The same has not been questioned by the plaintiffs, till the date of filing of the suit in the year 2011. It is settled law that knowledge of the Agent is deemed to be the knowledge of the Principal. As mentioned earlier, the original deceased plaintiff (under whom other plaintiffs claim right) and other co-owners executed a Power Deed in favour of 1st defendant as early as 03.10.1996 enabling the 1st defendant to alienate the property including right to release their share in favour of Ethiraj Pillai. The relevant clause in the Power Deed reads as follows:-

"மேற்படியார்களில் நேர்வாரிசுதாரர்களாகிய நான் மேற்கண்ட



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சொத்துக்கு சர்க்கார் தீர்வைகள் செலுத்திக்கொண்டும் குடும்பத்தலைவரான உங்கள் தகப்பனார் எத்திராஜ் பிள்ளை பேரில் 29 நெம்பர் பட்டா தாக்கலாயும் மேற்படி சொத்தில் எந்தவிதமான வில்லங்கத்திற்கும் உட்படுத்தாமல் நாம் சகல சர்வ சுதந்திரமாய் ஆண்டு அனுபவித்து வரும் மேற்படி சொத்தில் எங்களுக்கு பாத்தியப்பட்ட சொத்தை (பாக உரிமையை) மேற்படி எத்திராஜ் பிள்ளை பேருக்கு பாகபாத்திய அசல் விடுதலைப்பத்திரம் எழுதிக்கொடுக்கவோ அல்லது எங்களுக்கு பாத்தியம் பட்ட சொத்தை மொத்தமாகவோ, பகுதி பகுதியாகவோ பிரித்து விற்பனை செய்யவோ எங்களுக்கு தற்போது சாத்தியப்படாததால் தங்களை எங்கள் ஜெனரல் பவர் ஏஜன்டாக நியமனம் செய்துள்ளோம்."

9. Therefore, it is clear the Power Deed executed by plaintiffs (deceased-Venkatraman) and other sharers enables the 1st defendant to execute the Release Deed in favour of Ethiraj Pillai and utilising the said power, she executed the Power Deed in favour of Ethiraj Pillai as early as 14.11.1996. The principal cannot plead ignorance of an act done by their Agent pursuant to the Power Deed. Therefore, if they want to question the Sale Deed executed by their Agent, they should have done it within a period of three years. However, they kept quiet for nearly 15 years and filed a suit belatedly in the year 2011.



10. Knowing the difficulty in questioning the document after several years without seeking to set aside the document, the plaintiffs simply filed a suit for partition. In order to overcome the difficulty, they ingeniously introduced a plea as if, no power was given to their agent to execute the Release Deed in favour of Ethiraj Pillai. However, Plaint Document No.3, i.e., Power Deed executed by them clearly proved that power was given to execute the Release Deed also. Therefore, without seeking to set aside the Release Deed executed by plaintiffs and other sharers represented by their duly appointed Power Agent, a mere suit for partition is not at all maintainable. The prayer to set aside the Release Deed is hopelessly barred by limitation. Therefore, having executed the Release Deed and release their interest in the suit property in favour of Ethiraj Pillai, the father of the 1st defendant, the plaintiffs are not entitled to maintain a suit for partition and the same is not sustainable in the light of the averment in the plaint and plaint document as mentioned supra.

11. Therefore, the prayer sought for in the plaint is clearly barred as plaintiffs have no interest over the subject property on the date of filing of the suit. The plaintiffs have no cause of action to maintain a prayer for partition as they already released their interest in favour of Ethiraj Pillai by



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virtue of Release Deed dated 14.11.1996. Hence, the Trial Court ought to have rejected the plaint on the ground that the plaintiffs had no cause of action to maintain the prayer for partition and the Trial Court without appreciating the point properly, dismissed the application filed to reject the plaint.

12. Accordingly, the Civil Revision Petition stands allowed. I.A.No.26 of 2012 filed by the petitioners seeking rejection of the plaint also stands allowed. The plaint in O.S.No.11 of 2011 on the file of the Additional District Court, Chengalpattu is rejected. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes
Speaking order : Yes
Neutral Citation : Yes
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To

The Additional District Judge,
Chengalpattu.



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S.SOUNTHAR, J.

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