



CRP(MD). No.2141 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2026

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

CRP(MD).No.2141 of 2026

and

CMP(MD).No.10254 of 2026

A.D.Gajabbar Ali

... Petitioner

Vs.

1. Chandra,
2. Ashraf Ali

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the Fair and Decreetal order dated 23/03/2026 in I.A.No. 183 of 2025 in O.S.No. 19 of 2025, on the file of the Principal District Munsif, Thanjavur and pass such further or other relief(s) as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Vijaya Ganesh



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ORDER

The civil revision petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to reject the plaint.

2. The 1st respondent herein filed a suit seeking declaration that Sale Deed executed by her father and grandmother dated 29.06.1989 in favour of the father of the defendants was not valid.

3. According to the 1st respondent, the subject property is an ancestral property and hence the father and grandmother of the plaintiff was not entitled to execute the Sale Deed in respect of the entire property including the share of the plaintiff.



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4. It was further stated in the plaint that the plaintiff acquired knowledge about the Sale Deed executed by her father and grandmother only on 10.12.2024. The petitioner / 1st defendant filed an application seeking rejection of the plaint mainly on the ground that the suit filed by the plaintiff nearly after 35 years is barred by limitation. The said application was dismissed by the trial Court and aggrieved by the same, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner would submit that the impugned Sale Deed came into existence in the year 1989 and the present suit has been filed by the plaintiff in the year 2025 nearly after 35 years. Therefore, the suit is barred by limitation.



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6. It is settled law that while considering the petition seeking rejection of the plaint, Court is guided only by the plaint averments and plaint documents. In the case on hand, plaintiff stated that he acquired knowledge about the document only in the year 2024. Whether the plaintiff acquired knowledge about the documents only in the year 2024 or she had knowledge about the document even prior to the said date, is a matter for evidence. The same cannot be considered merely based on the affidavit of the parties. The trial Court rightly appreciated the same and dismissed the petition, seeking rejection of the plaint.

I do not find any error in the impugned order.

7. Accordingly, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

The Principal District Munsif, Thanjavur



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S.SOUNTHAR, J.

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