



WEB COPY



Reserved on: 22.03.2024

Delivered on: 31.07.2024

A.No.3321 of 2023
in
C.S.No.666 of 2014

A.A. NAKKIRAN,J

The respondents/plaintiffs have filed the civil suit to declare the settlement deed dated 25.01.1963 executed by late.Smt.Vittobhai Ammal in favour of the first defendant herein registered as doc.No.187/1963 on the file of the Sub-Registrar, 'T' Nagar as null and void and for partition and separate possession and other relief. The applicants/the defendants 4 to 6 have filed the present application to reject the plaint filed in the above suit.

2.The learned counsel for the applicants would submit that the civil suit has been filed after 20 years from the death of the said Smt.Vittobhai Ammal. According to the Limitation Act, in the case of a suit for partition, the limitation is fixed at 12 years from the date the



WEB COPY

plaintiff claims the property. Hence, the suit is barred by limitation.

Hence, the applicants seek to reject the plaint filed in the above civil suit.

3. The learned counsel for the respondents would submit that the plaintiffs were not aware of the alleged settlement deed. Only just before filing of the suit, the plaintiffs came to know about the settlement deed and therefore, from the date of knowledge, the suit was filed. He would further submit that till 2013 there was a cordial relationship existed and maintained between the plaintiffs and the defendants and there was no occasion for filing of the suit for partition. Further, the settlor had no knowledge of read, write and understanding the language of Tamil, since she could not read and write Tamil and during her lifetime, she used to sign only in Telugu. Hence, the settlement deed is not valid and it has to be decided in the trial. Hence, the learned counsel prays for dismissal of this petition.

4. I have considered the submissions of both the learned counsels.



WEB COPY

5. On perusal of records, the respondents/plaintiffs have stated that they filed the suit immediately after coming to their knowledge about the Settelement Deed. Thereafter, the plaintiff raised suspicious over the settelement deed. It has to be decided at the time of the Trial only. Since the defendants 4 to 6 have filed this application, this plaint cannot be dismissed partially.

6. In the result, the Application is dismissed. No costs.

31.07.2024

skn

34



WEB COPY



A.A. NAKKIRAN, J.

skn

A.No.3321 of 2023
in
C.S.No.666 of 2014

31.07.2024

