



C.R.P. (PD).No.4535 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4535 of 2024
and C.M.P.No.22415 of 2024

Gajendran

.. Petitioner

Vs.

Pachaiyammal

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to strike off the plaint filed by the respondent / plaintiff in O.S.No.172 of 2023 pending on the file of the District Munsif Court at Gingee, Villupuram District on the ground of abuse of process of law.

For Petitioner : Mr.M.Rajasekaran

ORDER

This Civil Revision Petition seeks to strike off the plaint in O.S.No.172 of 2023 on the file of the District Munsif Court, Gingee, Villupuram.

2.The petitioner is the defendant in the suit. The respondent filed the suit in O.S.No.172 of 2023 for bare injunction. The case of the respondent / plaintiff is that she is the owner of the property. The civil revision petitioner /



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defendant is her grandson. She came to know that her grandson had asked her to execute certain documents for the purpose of getting a new ration card in her name. Thereafter, she came to know that the defendant, by utilizing her signature, got a settlement deed executed in his name. She pleads that she also sought for action to be taken for cancellation of the settlement deed in terms of Section 77A of the Registration Act. Aggrieved by the presentation and taking on file of the said suit, the defendant is on revision before me.

3.I heard Mr.M.Rajasekaran, for the civil revision petitioner.

4.Mr.M.Rajasekaran pleads that the suit is an abuse of process of law, since on execution of the settlement deed, he has become a true owner of the property and therefore, the suit is not maintainable against him.

5.I have carefully considered the submissions of Mr.M.Rajasekaran and also perused the records.

6.In matters relating to execution of documents by an aged, infirm, illiterate or pardanashin women, the law throws a protective cloak around



them. It is the duty of the defendant to prove that the executant had executed the document with full knowledge about its contents. The normal rule is that the burden of proof is on the plaintiff. However, in the case of persons belonging to the aforesaid circumstances, this burden is reversed. See, ***Thirumalai Vadivu Ammal & Ors. VS. Muthammal & another, (1999) 2 Mad L.W. 459.***

7.The plaintiff specifically pleads that she was not aware of the nature and content of the document. A perusal of the plaint shows that she is 81 years old as on today. Given the situation, the defendant cannot plead he has automatically become the owner on the date of execution of the settlement deed dated 13.02.2023. It has to be proved by in a manner stated above.

8.That being the situation, this Civil Revision Petition is devoid of merits and it is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.11.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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V.LAKSHMINARAYANAN, J.

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To

The District Munsif Court at Gingee,
Villupuram District.

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