



CRP No. 823 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 823 of 2024

1. SELVI

W/o. K.T. Baskaran, No.11A, Rajaji
Nagar, Madipakkam, Chennai -091.

Petitioner

Vs

1. GOVINDASAMY

S/o. Palani, Res. at No.9/100, 9th
Street, Jaya Nagar, Perumbakkam,
Chittalapakkam Post, Chennai - 126.

2.NAMASIVAYAM

S/o. Govindasamy, Res. at No.9/100,
9th St, Jaya Nagar, Perumbakkam,
Chittalapakkam Post, Chennai - 126.

3.Bharani Kumar

S/o. Rajiappan, No.3, 5th St, Ram
Nagar North, Velachery, Chennai - 042.

Respondents



PRAYER

WEB CRP This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the Fair and Decreetal order dated 31.10.2023, passed in I.A.No.1 of 2023 in O.S.No.330/2021 on the file of the Additional District Munsif Court, Alandur.

For Petitioner: G.Anabayachozhan

For Respondents: M/s.G.Ilamurugu

ORDER

Heard the learned counsel for the parties.

2.The suit is for declaration to declare the sale deed executed by the 2nd defendant in favour of the 1st defendant as null and void and also to declare the absolute owner of the suit property and grant a permanent injunction restraining the defendants from alienating or encumbering the suit property in favour of third parties; and another permanent injunction to restrain the defendants from disturbing the possession and enjoyment of the suit property by the plaintiffs.

Pending the suit, an application has been taken out under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint on the ground that the suit is barred by limitation and also does not disclose the cause of action.

The said application was resisted by the respondents/plaintiffs, and ultimately



the trial court found that limitation is a mixed question of law and fact and held that it is not a case where the plaint can be rejected on a reading of the plaint.

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3.The learned counsel for the petitioner would state that on an earlier occasion the plaintiff themselves had filed a caveat against the 1st defendant, and they have suppressed the said factum of having filed a caveat, which clearly evidences that the plaintiffs had knowledge of the sale deed executed in favour of the 2nd defendant. The learned counsel therefore states that if the caveat had been brought to the notice of the court, the suit itself would not have been numbered.

4.Per contra, the learned counsel for the respondents/plaintiffs states that the trial court has rightly held that Order VII Rule 11 of CPC can be invoked for rejecting a plaint only on a reading of the plaint and suit documents that are enclosed along with the plaint. The trial Court had rightly found that the plaintiffs have averred that they came to know about the sale deed only in the year 2018, and on such a cause of action, the suit has been filed within a period of three years.



5. I have carefully considered the submission advanced by the learned counsels.

6. Even assuming the plaintiffs had suppressed the factum of having filed a caveat earlier, which would go to show that the plaintiffs had knowledge of the transaction, which is now challenged in the suit, while examining an application under Order VII Rule 11 of CPC, it is well settled that the Court can only look into the averments in the plaint and documents that are enclosed along with the plaint and nothing else. Any extra information that is sought to be put forth by the defendants is alien to the consideration of the application under Order VII Rule 11 of CPC.

7. In the light of the above, even though there may be truth in the allegation of the revision petitioner / 1st defendant that the plaintiffs had knowledge of the sale deed and had wantonly suppressed the same, in order to get over the limitation, there is no whisper about it in the plaint and there is no reference in the list of documents annexed. While being so, the Trial Court has rightly gone by the plaint pleadings and averments made in the plaint to hold that the plaint cannot be rejected. I don't find any infirmity or illegality in the



order, dismissing the application under Order VII Rule 11 of CPC, warranting interference under Article 227 of the Constitution of India.

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8. In the result, the Civil Revision Petition is dismissed. However, considering the suit of the year is 2021, the learned Additional District Munsif, Alandur shall expedite the trial and endeavour to dispose the suit on or before 31.01.2026, on merits and in accordance with the law, without being influenced by any of the observations made herein above. There shall be no costs.

01-07-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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