



WEB COPY

CRP(PD).No.1200 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1200 of 2023

and

CMP.No.8232 of 2023

Loganathan

Vs.

... Petitioner

1. Sekar

2.Kannan

3.Hemalatha

4.Sathishkumar

5.Lalitha

6.Govindammal

7.Pongavanam

8.Shantha

9.Rani

10.Padma

11.Seetharaman

12.Govindan



CRP(PD).No.1200 of 2023



13.Parthasarathy

WEB COPY 14.Venkatesan

15.Santhanam

16.Thavamani

17.Prabhakaran

18.Lakshmipathi @ Lakshmanan

19.Radha

20.Amaravathi

21.Mohana

22.Ganesh

23.Gomathi

24.Amutha

25. Vijayalakshmi

26.Devi

27.T.Selvam

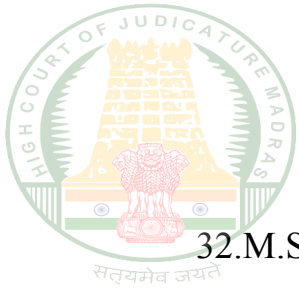
27.Saravanan

28.Thulasi

29.T.Sheela

30.Roja

31.Raja



32.M.Sasikala

WEB COPY 33.Minor Kaviya

34.Minor Ranjith

(32 Respondent is the Natural Guardian of 33 and 34 respondents)

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in IA.No.3 of 2023 in OS.No.102 of 2022 dated 04.03.2023 on the file of the District Munsif Court at Vandavasi and allow this CRP.

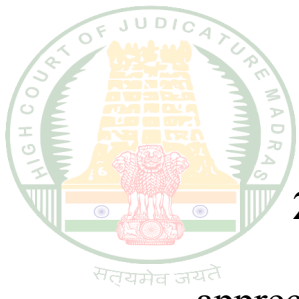
For Petitioner : M/s.D.S.Ramesh

For Respondent : R.1 to R.3 - served- No appearance

: R.4 to R.34 - Former Parties and notice
need not be issued vide order dated
20.04.2023.

ORDER

Challenging the dismissal of his application filed to reject the
plaint in OS. No.102 of 2022, the 32nd defendant is the petitioner
before this Court.



2. It would be necessary to briefly set out the pleadings so as to appreciate the reasons set out to reject the plaint.

3. Respondents 1 to 4 herein/plaintiffs had filed the suit O.S.No.102 of 2022 on the file of the District Munsif, Vandavasi seeking a partition and separate possession of their 1/5th share in the suit schedule property and to declare the sale deeds dated 13.04.1962, 07.10.1969, 07.04.1984, 05.12.1995, 10.06.2013 and 21.07.2022 as null and void.

4. It is the case of the plaintiffs that the suit schedule properties belong to one Raju Udaiyar. Under a registered settlement deed dated 27.09.1920, the said Raju Udaiyar had settled the property on his daughter-in-law Kanambal, wife of Tiruvenkada Udaiyar. Therefore, the property became the exclusive property of the said Kanambal. Kanambal and Tiruvenkada Udaiyar had five children, i.e., Janakiraman, Kannammal, Ranganathan, Azhvar and Ragavan. The said Kanambal died in the year 1982 intestate and the property devolved on her children equally. The plaintiffs are the legal heirs of

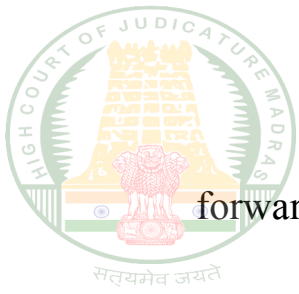


Ragavan, the 5th child of Kannamal and Tiruvenkada Udaiyar.

Defendants 1 to 31 are the legal representatives of the other four children of Kannamal and Tiruvenkata Udaiyar.

5. The plaintiffs would further submit that only the children of Ranganathan are living in the village in which the suit properties are situated and are enjoying the same as co-owners on behalf of the others as well. The other legal representatives are living at various places on account of marriage as well as employment.

6. While so, the 17th and 19th defendants had sold the suit property to the 32nd defendant under a registered sale deed dated 21.07.2022. This came to the knowledge of the plaintiffs later. Therefore, the plaintiffs had sought to have their share in the property partitioned. They would further submit that all transactions in respect of the suit property would not be binding on the 1/5th share of the plaintiffs. Further, the 32nd defendant had managed to get the revenue records mutated in his name. Therefore, the plaintiffs have come



forward with the suit in question.

WEB COPY

7. Pending the suit, the 32nd defendant has come forward with this application in I.A.No.3 of 2022 for rejecting the plaint on the ground that there was no cause of action and that it is barred by limitation. With reference to the cause of action, it is the contention of the 32nd defendant that by virtue of the release deed of the year 1969, the plaintiffs' father had released his share in favour of his brother, Ranganathan Udaiyar. Therefore, he would submit that once the plaintiff's father had released his rights, the plaintiffs had no right to the property and therefore, the suit is not maintainable. That apart, after the death of Kanambal, the plaintiffs had not immediately filed an application for partition and the same has been filed at such a belated stage. Therefore, he sought to reject the plaint.

8. The respondents/plaintiffs have not filed any counter in the application. However, arguments have been advanced.

9. The learned District Munsif, Vandavasi had dismissed the



said application stating that the existence of the cause of action has to be tested through trial. Challenging this order, the petitioner/32nd defendant is before this Court.

10. Heard the counsel for the petitioner and perused the records.

11. Admittedly, both parties have agreed that the original owner was Kanambal, and they trace their title through her. The petitioner/32nd defendant seeks to have the plaint rejected on the ground that there is no cause of action for filing the suit as there were several release deeds executed in respect of the suit property, which also included a release deed executed by the plaintiff's father and therefore, the plaintiffs would have no right to the property. However, this is a matter that has to be proved through evidence. The plaintiffs have traced their rights to claim partition in the plaint. Therefore, the contention that the suit is filed without a cause of action cannot be countenanced. As has been time and again held by this Court as well as the Hon'ble Supreme Court that the Court has to be guided only by the contents of the plaint and the documents that have been filed along



with the plaint. As regards limitation, it is a mixed question of facts as well as law which has to be considered by letting in evidence.

Therefore, I see no reason to set aside the order passed by the learned District Munsif, Vandavasi.

12. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Munsif Court at Vandavasi.



WEB COPY



CRP(PD).No.1200 of 2023

P.T. ASHA. J.,

(shr)

CRP.(PD).No.1200 of 2023
and
CMP.No.8232 of 2023

23.04.2025
(2/2)