



C.R.P. (PD) No.1628 of 2025

**THE HIGH COURT OF JUDICATURE AT MADRAS**

RESERVED ON : 18.08.2025  
PRONOUNCED ON : 29.08.2025

CORAM:

**THE HON'BLE MR. JUSTICE P.B. BALAJI**

C.R.P. (PD) No.1628 of 2025  
and  
C.M.P. No.9431 of 2025

1. M.D. Mani  
2. M. Thiyagarajan ... Petitioners

vs.

1. N. Mythili  
2. Mohana  
3. Manjula ... Respondents

**Prayer** : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and decreetal order passed in I.A. No.2 of 2023 in O.S. No.6051 of 2022, dated 23.01.2025 on the file of XX Additional City Civil Court, Allikulam, Chennai by allowing the present Civil Revision Petition.

For Petitioners : Mr. P. Satheesh Kumar  
For Respondents : Mr.K. Maheshwaran

-----

**ORDER**



C.R.P. (PD) No.1628 of 2025

WEB COPY

The defendants 1 and 2 who were unsuccessful in their attempt to reject the plaint under Order VII Rule 11(a) & (d) of CPC are the revision petitioners.

2. I have heard Mr.P.Satheesh Kumar, learned counsel for the revision petitioners and Mr.K. Maheshwaran, learned counsel for the contesting respondents / plaintiffs.

3. The learned counsel for the petitioners, Mr.P. Satheesh Kumar would take me through the plaint averments and contend that there is absolutely no cause of action for maintaining the suit and the suit is also barred by limitation and the trial Court has erroneously proceeded to dismiss the application for rejecting the plaint stating that mixed questions of law and fact arise and it can be decided only after examination of parties and that no case has been made out for rejection of a plaint. The contention of Mr.P.Satheesh Kumar, learned counsel for the petitioners is that the plaintiffs claim a non-existing right for partition and the settlement deed was of the year 1983, registered as document as No.14 of 1984 in and by which, the property was settled in



C.R.P. (PD) No.1628 of 2025

favor of the 2<sup>nd</sup> defendant, giving life interest to the 1<sup>st</sup> defendant, is also challenged belatedly, in the year 2022. He would therefore, state that the plaint is liable to be rejected on both counts, firstly there being no subsisting cause of action for the plaintiffs to claim any right and secondly, the suit is hopelessly barred by limitation.

4. Per contra, the learned counsel for the respondents Mr.K.Maheswaran would support the findings of the trial court and contend that the questions that arise for consideration in the application for rejection of plaint cannot be summarily decided or enquired into without parties leading evidence, oral and documentary at trial. He would therefore states that there is no infirmity in the order of the trial Court, warranting interference in provisions.

5. I have carefully considered the submissions advanced by learned counsel on either side.

6.The suit in O.S. No.6051 of 2022 has been filed by the respondents / plaintiffs seeking for the following reliefs :-

- i) declaring that the settlement deed bearing Document No.14 of 1984 executed by Dhanammal, in favour of the defendants 1 and 2 as null and void and not binding on the plaintiffs;
- ii) declaring that the settlement deed bearing document No.691 of



C.R.P. (PD) No.1628 of 2025

2006 executed by M.D. Mani, the 1<sup>st</sup> defendant in favour of one

Mr.M.Thiagarajan as null and void and not binding on the plaintiffs;

iii) declaring that the Sale Deed in document No.4292 of 2006 executed by the 1<sup>st</sup> defendant viz., M.D. Mani and M.Thiagarajan in favour of M.Malliga, M.Sasikumar, M.Sureshkumar and M.Sudhakar as null and void and not binding on the plaintiffs;

iv) for relief of possession of 'C' schedule property by directing the defendants 4 to 7 to vacate and hand over possession of the same and

v) for partition of 'A' and 'B' schedule properties by passing a preliminary decree and declaring the 3/6<sup>th</sup> share of the plaintiffs in the same.

7. It is the case of the parties that the property originally belong to one Rathina Achari and the said Rathina Achari married one Deivayanai Ammal @ Rukumani Ammal. They were blessed with a daughter by name Dhanabakki Ammal @ Bakkiammal. The said Dhanabakki Ammal @ Bakkiammal married one Appa Achari and they were in turn blessed with two daughters, by name Dhanammal @ Dhanakotti Ammal and Meenakshi Ammal. The said Meenakshi Ammal's whereabouts are claimed to be not known, even by the respondents / plaintiffs. However, it is contended by the revision petitioners that the said Meenakshi Ammal



died issueless. However, the factum of Meenakshi Ammal not being married or having any issues is not seriously questioned by the respondents as well. The other surviving daughter, Dhanammal @ Dhanakotti Ammal was married to one Duraisami Achari, who were blessed with a son, by name M.D. Mani, the 1<sup>st</sup> defendant in the suit and the said M.D. Mani was married to Nagalakshmi and they were blessed with the plaintiffs and defendants 2 and 3. The plaintiffs are the daughters. The 1<sup>st</sup> defendant has settled the suit property that he got from Dhanammal in 1983, vide Document 14 of 1984 upon the 2<sup>nd</sup> defendant, in and by document No.691 of 2006, dated 08.02.2006. The case of the plaintiffs is that they being daughters of M.D. Mani, they are also entitled to a share in the properties that came to vest in their father, M.D. Mani. In short, it is the contention of the plaintiffs that the suit properties are ancestral in nature and therefore, the daughters are also entitled to an equal share in the properties and without recognizing their share, their father has proceeded to settle the entire properties on his only son Thyagrajan, the 2<sup>nd</sup> defendant. This is the cause of action that is pleaded in the suit.

8. According to the plaintiffs, the Schedule A property was the ancestral property of Appa Achari. It is an admitted case of the plaintiffs



C.R.P. (PD) No.1628 of 2025

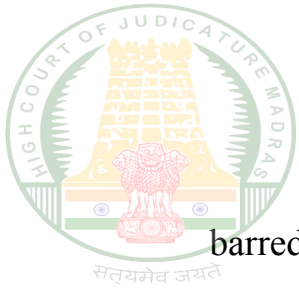
themselves that after the demise of Appa Achari and his wife and his wife, Dhanabakki Ammal @ Bakkiammal, the surviving legal heirs were only female heirs viz., Dhanammal @ Dhanakotti Ammal and Meenakshi Ammal. Therefore, the properties do not continue to retain the character of an ancestral property even assuming that they were originally ancestral properties at the hands of Appa Achari. The properties became the absolute properties of the daughters, Dhanammal @ Dhanakotti Ammal and Meenakshi Ammal, pursuant to the demise of Appa Achari and Dhanabakki Ammal @ Bakkiammal. The plaintiffs cannot fall back on Section 6 of the Hindu Succession Act and claim that they are also coparceners and that they have a right by birth, in the said properties. The case of the plaintiffs would have been acceptable, if the properties have come through a male heir. However, it is not so in the present case. Therefore, when the 1<sup>st</sup> defendant succeeded to the property from his mother Dhanammal @ Dhanakotti Ammal, he took it as his absolute property and it is not having the character or joint family property or coparcenary property. Therefore, the 1<sup>st</sup> defendant had every right to deal with his property including settle it on his son, the 2<sup>nd</sup> defendant. When the plaintiffs have no inherent right in the properties, in the first place, it is not open to them to seek for partition and also in order to facilitate the



WEB COPY

relief of partition, they challenged the registered documents that are coming in their way of partition. Therefore, I do not find that the plaintiffs have any cause of action for filing the suit since, they do not have any iota of right in the properties that originally belonged to Appa Achari and subsequently inherited by his daughters and thereafter to the 1<sup>st</sup> defendant through his mother.

9. Insofar as Schedule 'B' property, the property was purchased in the name of Deivayani Ammal @ Rukumani Ammal and even in the case of this item of property, the plaintiffs cannot claim any co-parcenary right or interest since the property has been acquired by a female heir and it becomes her absolute property and after the demise of their only daughter, the property was inherited by Dhanammal @ Dhanakotti Ammal and Meenakshi Ammal and Meenakshi Ammal having died without any issues, the entire property has fell to the share of the 1<sup>st</sup> defendant M.D. Mani. Therefore, even in respect of this item of property, the plaintiffs have no cause of action for maintaining the suit. Having found that the plaintiffs do not have any cause of action for maintaining the suit and the same is made out even from the reading of the plaint averments and the documents filed in support of the plaint, I do not even find it necessary to venture to discuss whether the plaint is also



C.R.P. (PD) No.1628 of 2025

barred by limitation.

**WEB COPY** 10. In the light of the above, the order of the trial Court dismissing I.A. No.2 of 2023 is set aside and the Civil Revision Petition is allowed as the plaint in O.S. No.6051 of 2022 is rejected. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2025

Internet: Yes/No  
Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
vsi2

**P.B. BALAJI, J.**

vsi2

To  
The XX Additional City Civil Court,  
Allikulam, Chennai.

8/9



WEB COPY



C.R.P. (PD) No.1628 of 2025

PRE-DELIVERY ORDER  
IN  
C.R.P. (PD) No.1628 of 2025  
and  
C.M.P. No.9431 of 2025

29.08.2025