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CRP.No.2695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2695 of 2025

1.T.S.Selvi

2.T.S.Renuka

.. Petitioners

Versus

T.S.Sakthi Darshini

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decree and decretal order passed in O.S.SR.No.2329 of 2025 by the I Additional Judge, City Civil Court, Chennai dated 13.03.2025.

For Petitioner : Mr.V.S.Janarthanam
for Mr.C.Prabhakaran

ORDER

Challenging the order of the Trial Court rejecting the plaint even without numbering, the present revision has been filed.

2. The suit has been filed by the first plaintiff claiming to be the wife of one T.S.Saravanan and the second plaintiff is the daughter said to be borne through the said T.S.Saravanan as against the defendant. It is the case of the plaintiff that T.S.Saravanan during his lifetime had executed



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settlement deeds in favour of the plaintiff as well as the defendant, however, due to discrepancies in the boundaries in settlement, properties could not be enjoyed as such, therefore, she has sought to declare the settlement deeds as null and void, that apart, she has also sought for partition.

3. The Trial Court taking note of the fact that the settlement deeds were executed in the year 2019, whereas, the suit has been filed in the year 2025 held that suit is hopelessly barred by limitation as contemplated under Schedule to the Article 58 of the Limitation Act, 1969. Though the Trial Court's observation with regard to the limitation may be correct, but the fact remains that prayer in the plaint is also with regard to the division of property. Whether the settlement deed has been acted upon and the parties have taken possession in pursuant to the said settlement deed is a matter of evidence. Since, there is also a prayer for division of property, the Trial Court ought to have numbered the plaint and tried the matter on its own merits.

4. Such view of the matter the impugned order dated 13.03.2025 is set



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aside. The I Additional Judge, City Civil Court, Chennai is directed to take the plaint on its file, number the suit and dispose of the same on its own merits. The Registry is directed to return the original papers and the same shall be represented before the Court below within a period of two weeks from the date of receipt of a copy of this Order.

5. Accordingly, this revision stands allowed. No costs.

07.07.2025

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Internet : Yes
Index : Yes/No
Speaking order / Nonspeaking order
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To

1.The I Additional District Judge
I Additional City Civil Court, Chennai

2. The Section Officer
VR Section, Madras High Court

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