



A. No.577 of 2025

in

C.S. No.190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A No.577 of 2025

in C.S. No.190 of 2024

1. R. Jawahar S/o. Late Ramasubbu
2. Adhilakshmi W/o. R. Jawahar Applicant(s) / Defendants 1 & 8

Vs

1. G. Sriramulu S/o. R. Govindarajulu
2. S. Jegadeeshwari W/o. G. Sriramulu
3. R. Dhanalakshmi D/o. Late Ramasubb.... Respondents / Plaintiffs 1 to 3
4. R. Venugopal S/o. Late Ramasubbu
5. S. Nagojothi D/o. Late Ramasubbu
6. L. Indra D/o. Late Ramasubbu
7. C. Bhavani D/o. Late Ramasubbu
8. N. Vaishali Nivedhitha D/o. R. Jawahar
9. V. Vasantha W/o. R. Venugopal
10. The Sub Registrar,
 Thirukkanur,
 Sri Mariamman Complex,
 Thirukkanur, Puducherry – 605 501.

Respondent(s) /
Defendants 1, 3 to 7 and 9

For Applicant(s) : M/s. S.L. Sudarsanam

For Respondents :

 R1 to R3 : M/s.V. Haribabu

 R4 to R7 & R9 : Mr.S.M. Hemanth Kumar

 R8 & R10 : No appearance.



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PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules

read with Order VII Rule 11(a) of the Original Side Rules praying to reject the
Plaint in C.S. No.190 of 2024.

ORDER

This application has been filed by the applicants to reject the Plaint in
C.S. No.190 of 2024.

2. According to the applicants, the respondents 1 to 3 herein, being the Plaintiffs, filed the main Suit for the relieves of directing the 2nd and 6th defendants to execute and register a Sale Deed in favour of the 1st Plaintiff, conveying the 50% UDS of land in R.S. No.113/2, Puducherry Villupuram National Highway, situated in Thiruvandar Kovil Village, Puducherry in pursuance of Clause No.2 of the 'Family Arrangement-cum-Undertaking' dated 26.03.2017 and consequently, to declare the Settlement Deed vide Doc. No.33558 of 2022 on the file of Sub-Registrar, Thirukannor executed by the 2nd defendant in favour of the 6th defendant as null and void and not binding on the 1st Plaintiff and also directing the defendants 1 to 5 to execute and register a Settlement Deed, settling their respective undivided shares, amounting to 5/6



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undivided share in the property, namely, as per the 'Family Arrangement-cum-Undertaking' dated 26.03.2017 and also to grant permanent injunction against the 2nd and 6th defendants from alienating the 'A' Schedule property.

3. The brief averments of the petition are as follows:-

The 1st applicant is the 1st defendant and the 2nd applicant is the 8th defendant in the main Suit. The 1st respondent is the elder brother and the respondents 3 and 5 to 7 are sisters of the 1st applicant. The 8th respondent is the daughter of the 1st applicant and the 9th respondent is the wife of the 4th respondent. The 1st respondent is the husband of the 2nd respondent. The respondents 1 to 3 have filed the above Suit and thereafter they had withdrawn the relieves claimed in prayers (a), (b) and (d) in the Plaint and there is no any clear description regarding linear measurements, boundaries of Schedule-B property and therefore, the above Suit is liable to be rejected. The respondents 1 to 3 have suppressed several vital facts in the Plaint and they have come to this Court with unclean hands. The Schedule 'B' property has not been clearly mentioned and the said property is situated outside the jurisdiction of this Court. After withdrawing the prayers in respect of Schedule-A property, the



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prayers as against the Schedule-B property, which is situated outside the

jurisdiction of this Court, are not maintainable. The cause of action in respect of the respondents 1 and 2 is different and cause of action in respect of the 3rd respondent is different. After filing memo by the respondents 1 and 2 in respect of the partial withdrawal of the Suit claims, the 3rd respondent is not entitled to maintain the above Suit, since it is barred by law. There is no cause of action to maintain the Suit and also the prayer (c) is not maintainable in the eye of law and therefore, the above Suit is liable to be rejected. The claim made by the Plaintiffs is based on the Family Arrangement Deed dated 26.03.2017 and notice has been sent on 19.07.2024. Therefore, the claim is barred by limitation. The Suit has been ill-framed and misconceived. Therefore, the Suit is liable to be rejected.

4. The brief averments of the counter filed by the respondents 1 to 3 are as follows:-

The application filed by the applicants is not maintainable either in law or on facts and the same is liable to be dismissed as not maintainable. The respondents 1 and 2 have filed O.A. No.593 of 2024 in the main Suit seeking



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permanent injunction from alienating 'A' Schedule property. Thereafter, the 6th

defendant executed Sald Deeds dated 28.08.2024 having 'A' Schedule property in favour of the 1st Plaintiff in the Suit, thereby, the prayers (a), (b) and (d) have become infructuous. Therefore, the Plaintiffs filed a memo and the same was recorded and in view of the said memo, the prayers (a), (b) and (d) have become infructuous. The affidavit filed by the applicants is totally bald and vague. There are no ingredients to attract the conditions mentioned under Order VII Rule 11(a) of the Civil Procedure Code. Therefore, the application is not maintainable and the same is liable to be dismissed.

4.1. The particulars of Schdule-A Property have been correctly mentioned in the Plaint. The Suit is very much within the limitation. The cause of action for the Suit is a continuous one. The applicants accepted the claims with regard to 'A' Schedule property and having registered, now cannot be permitted to content to the contrary. The Plaintiffs have obtained grant of leave from the Court before numbering the Suit and there are no any suppression of facts. Only after execution of registered Sale Deed in respect of 'A' Schedule property, the prayer in respect of Schedule-A property, becomes



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infructuous. Therefore, the Suit is not barred by law or not barred by

limitation. Therefore, the application is liable to be dismissed.

5. This Court heard both sides and perused the materials available on record.

6. In this case, the applicants have filed the application under Order VII Rule 11(a) of Civil Procedure Code to reject the Plaint. According to the applicants, they are the defendants 1 and 8 in the main Suit and the 2nd applicant is the wife of the 1st applicant. The prayers sought for in the Suit in respect of (a), (b) and (d) have become infructuous and the 'B' Schedule property is situated outside the jurisdiction of this Court. Only based on the 'A' Schedule property, which is within the jurisdiction of this Court, the Suit has been filed before this Court. When the prayers with respect to the Schedule – A property become infructuous, the prayers in respect of B Schedule property are not maintainable and there is no cause of action for the Suit. The Suit mentioned 'Family Arrangement-cum-Undertaking' is dated 27.03.2017 and the Suit has been filed on 20.08.2024. Therefore, the Suit is barred by limitation.



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7. According to the respondents, while filing of Suit by the Plaintiffs, they sought for relieves in respect of Schedules 'A' and 'B' properties. The 'A' Schedule property is within the jurisdiction of this Court and 'B' Schedule property is situated outside the jurisdiction of this Court and they obtained leave from this Court. During the pendency of the Suit, the 'A' Schedule property was conveyed in favour of the 1st Plaintiff, thereby the prayers in respect of 'A' Schedule property vide (a), (b) and (d), have become infructuous and still prayer 'c' is maintainable.

8. This Court also perused the entire records. It is an admitted fact that during the pendency of the Suit, due to the Sale Deed executed in respect of 'A' Schedule property, the prayers (a), (b) and (d) have become infructuous. To that effect, the Plaintiffs have also filed a memo. The memo was also recorded.

9. As far as prayer 'c' is concerned, that is for directing the defendants 1 to 5 to execute a registered Settlement Deed in respect of 'B' Schedule property based on the Family Arrangement-cum-Undertaking dated 26.03.2017.



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According to the respondents, after sale of Schedule-A Property, the Settlement

has to be executed in respect of 'B' Schedule property. Therefore, 'A' Schedule property has been sold during the pendency of the Suit and therefore, the Suit is maintainable. Since the above said fact is mingled with the issue of fact and issue of law, the limitation cannot be decided through this application and already the issues have been framed and the Suit is posted for examination of the witnesses and some of the witnesses have already been examined. At this stage, the question of limitation cannot be decided and it is matter of trial. As far as the jurisdiction is concerned, already this Court granted leave and after filing of the Suit, the prayers in respect of 'A' Schedule property have become infructuous. Whether the prayers in respect of 'B' Schedule property is maintainable or not is a matter of trial. Therefore, at this stage, the Plaint cannot be rejected and therefore, this application has no merits and deserves to be dismissed.

10. Accordingly, this application is *dismissed*.

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To
The Sub Registrar,
Thirukkanur,
Sri Mariamman Complex,
Thirukkanur, Puducherry – 605 501.

P.DHANABAL.,J

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