



C.R.P.No.5288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5288 of 2025

and

C.M.P.No.26582 of 2025

M.Selvanathan

... Petitioner

Vs.

1. R.Moses
2. Sri Ram City Union Finance Ltd.,
Represented by its Manager,
Bargur Branch, Bargur Post,
Krishnagiri Taluk and District.

3. R.Sampangi

... Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, to challenge the fair and and decretal order in I.A.No.02/2023 in O.S.No.57 of 2023 on the file of the Principal District Judge, at Krishnagiri dated 25.06.2025.

For Petitioner : Mr.J.Pradeep

ORDER

This Civil Revision Petition is filed challenging the order passed



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by the Court below, dismissing the application filed by the petitioner herein/first defendant seeking to reject the plaint filed by the first respondent herein.

2. The father of the petitioner, who is the first respondent herein, has instituted a suit in O.S.No.57 of 2023 seeking to cancel the gift deed dated 10.05.2012, allegedly executed by him in favour of the petitioner herein and for injunction restraining the petitioner from alienating the properties included the suit 'B' schedule properties and also sought for a declaration that the sale agreement entered into by the petitioner/first defendant in favour of the third respondent herein/third defendant in the suit as null and void.

3. It is the specific case of the first respondent that, in the year 2012, with an intention to assist the petitioner in establishing a poultry farm, he decided to settle an extent of 1 ½ acres of land in favour of the petitioner and accordingly, directed him to prepare necessary documents for the said purpose.



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4. According to the first respondent, the petitioner taking advantage of the same, had prepared a settlement deed for a larger extent of land and got the same registered on 10.05.2012. The first respondent claims that earlier he had no knowledge of the gift of the entire extent and he came to know about it, only six months prior to institution of the suit and hence, the suit was laid seeking to cancel the said settlement deed.

5. The petitioner herein filed an application under Order VII Rule 11(1)(d) and Section 151 of Code of Civil Procedure seeking to reject the plaint on the ground that the property was gifted by the first respondent/plaintiff in the year 2012 and possession was also handed over to the petitioner. It was also stated that the first respondent/plaintiff had full knowledge of the gift of the entire extent and hence, the present suit filed by him is barred by limitation.

6. The learned counsel appearing for the petitioner vehemently contended that the present suit filed by the first respondent in the year 2023 to set aside the gift deed executed by him in the year 2012 is



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hopelessly barred by limitation. Hence, the plaint deserves to be rejected.

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7. The learned counsel appearing for the petitioner further submits that in the subsequent document, the suit property has been referred to as the property gifted to the petitioner. Hence, the submission of the plaintiff that he became aware of gift of larger extent only six months back could not be accepted.

8. It is a settled law that while considering an application for rejection of plaint, the Court is solely guided by the averments made in the plaint and the documents filed along with it. The Court is not entitled to consider the documents produced by the defendants at the stage of deciding an application filed under Order VII Rule 11 CPC. Therefore, the documents relied upon by the petitioner/first defendant to show that the first respondent/plaintiff had knowledge of the gift deed of the entire property long back cannot be considered at this stage and the same can be considered only at the time of final disposal. In the plaint, it was averred by the first respondent that he became aware of the gift of larger extent only six months back, and therefore, he was constrained to file the suit.



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9. In view of the said averments, *prima facie*, suit is within time as per the plaint averments. As mentioned earlier, the Court cannot taking into consideration the documents produced by the defendants while considering petition for rejection. Hence, points raised by the petitioner/first defendant regarding the earlier knowledge of the first respondent/plaintiff is a matter for trial. Therefore, this Court is not inclined to accept the arguments made by the learned counsel for the petitioner and finding no point to interfere with the impugned order, hence, the Civil Revision Petition deserves to be dismissed.

10. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.11.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

The Principal District Judge,
Krishnagiri.



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S.SOUNTHAR, J.

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