



WEB COPY



CRP.No.5177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5177 of 2025 and
CMP.No.26127 of 2025

Prasanna

... Petitioner

Vs.

Ravi

...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the fair and decretal order dated 30.06.2025 made in IA No. 4 of 2023 in OS No. 50 of 2023 passed by the learned Additional District Judge, at Tiruvannamalai.

For Petitioner

: Mr. R.Thirumoorthy

ORDER

The Civil Revision petition is filed challenging the order passed by the court below dismissing the application filed by the petitioner/defendant under Order VII Rule 11 of CPC seeking to reject the plaint.

2. The respondent herein filed a suit for recovery of advance money paid



under sale agreement dated 12-03-2017 entered by him with the deceased father of the petitioner namely Manokaran.

3. According to the respondent/plaintiff, there was a sale agreement on 12-03-2017 with the above said Manokaran. The sale consideration was fixed at Rs.35,00,000/- On the date of agreement, Rs.32,00,000/- was paid by the plaintiff in favour of Manokaran. Subsequently, he died on 10-04-2017. After death of Manokaran, the plaintiff approached the petitioner/defendant and called upon him to execute the registered sale deed. However, the defendant represented that he would convey the property after getting a release deed from his mother and sisters and requested time for execution of a sale deed.

4. Ultimately, the petitioner/defendant got a release deed during December 2022. In spite of the same, he failed to execute the sale deed in favour of the respondent/plaintiff. Hence, instant suit was filed on 27-02-2023 seeking direction to the petitioner to pay back the advance amount together with the interest.

5. The petitioner/defendant filed a written statement and resisted the suit on various grounds including the limitation. It was also stated that there was no cause of action against the petitioner.



6. The petitioner/ defendant filed IA.No.4 of 2023 in OS.No.50 of 2023 seeking rejection of the plaint on the ground that there was no cause of action against him. It was also stated that the suit for recovery of advance amount had been filed belatedly and the same was barred by limitation.

7. Admittedly, the petitioner is a son of Manokaran. Therefore, the agreement entered by Manokaran will bind the petitioner in his capacity as a legal representative. Therefore, the contentions of the petitioner that there is no cause of action against him is not accepted.

8. As far as the contentions raised by the petitioner regarding the limitation is concerned, according to the averments in the plaint, after death of petitioner's father, when the respondent/plaintiff approached the petitioner/defendant with a request for execution of a sale deed, the petitioner allegedly represented that he would execute the sale deed after getting release deed from other legal heirs of the deceased. It is further stated in the plaint that the release deed was executed in favour of the petitioner only during December 2022. Even thereafter, the petitioner failed to honour the promise. Hence, the suit was filed for recovery of the advance amount and the same has been filed within three years from the date of alleged release deed. In such



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circumstances, *prima facie*, the suit appeared to have been filed within the period of limitation. In these circumstances, the petitioner/defendant has not made out anything to reject the plaint.

9. It is settled law that while considering the petition for rejection of the plaint, the Court is confined only with the averment found in the plaint and the plaint documents. If the averment found in the plaint is taken as true, the suit appears to be filed within the time and the respondent is able to show the cause of action against the petitioner. In these circumstances, both the contentions raised by the petitioner are rejected. Accordingly, the Civil Revision Petition stands dismissed by confirming the impugned order.

10. It is made clear that anything observed in this Civil Revision Petition is only a *prima facie* view of the Court and the same will not affect the right of the petitioner to agitate points raised by him in this revision at the time of final disposal of the suit. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Internet : Yes / No

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To

The learned Additional District Judge, Tiruvannamalai.



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S.SOUNTHAR , J.

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