



WEB COPY

CRP No.5336 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5336 of 2025 and
CMP No.26861 of 2025**

S.K.BALASEKARAN (DIED),

1. Suresh Kumar

S/o. Late S.K. Balasekaran, No.4,
Mettu Street, Soorapannayakan
Chavadi, Cuddalore - 2.

2. Brindhavathi

W/o. Late S.K. Balasekaran, No.4,
Mettu Street, Soorapannayakan
Chavadi, Cuddalore - 2.

3. Vijayalakshmi

W/o. Anbuselvan, No.4, Mettu Street,
Soorapannayakan Chavadi,
Cuddalore - 2.

4. Jayakumar

S/o. Late S.K. Balasekaran, No.4,
Mettu Street, Soorapannayakan
Chavadi, Cuddalore - 2.

Petitioner(s)

Vs



1. Janakiraman

S/o. Ramasamy, No.5/535, Pallavan

Street, Medavakkam, Chennai 600 100.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decree dated 29.08.2025 passed by the District Judge, Mayiladuthurai in I.A.No.8 of 2024 in O.S.No.99 of 2022.

For Petitioner(s): Mr. D.Rajagopal

ORDER

This civil revision petition is filed, challenging the order passed by the court below, dismissing the application filed by the petitioner, seeking rejection of plaint.

2. The respondent/plaintiff herein filed a suit in O.S.No.99 of 2022 for recovery of advance amount, based on the sale agreement dated 28.08.2014. In the plaint, it was also averred by the respondent that the petitioner/defendant agreed to return the advance amount, by executing various letters dated 08.09.2016, 12.12.2017 and 20.12.2019. Therefore, as per the averments found in the plaint, last acknowledgment letter was allegedly executed by the petitioner on 20.12.2019 and the plaint was filed during April 2022, within three



years from the date of alleged execution of acknowledgment letter by the petitioners. Based on the averments found in the plaint and the plaint documents, this Court feels *prima facie*, suit was filed within time.

3. The respondent filed a petition to reject the plaint mainly on the ground that the suit is barred by limitation. The petitioners, in the affidavit filed in support of the petition to reject the plaint has averred that the undertaking letters allegedly executed by the petitioners are all fabricated and concocted documents. It is settled law while deciding the petition to reject the plaint, the Court was guided only by the pleadings of the plaintiff and the documents filed along with the plaint. The court cannot refer to the defence or the documents referred by the defendants at this stage. The learned counsel for the petitioners submitted that the letters relied on by the respondent/plaintiff are all concocted document and hence, suit is not within time. Whether the acknowledgment letters produced by the plaintiffs are concocted documents or not? is a disputed question of fact, which can be decided only at the time of final disposal. Therefore, the Trial Court rightly dismissed the application for rejection of plaint filed by the petitioners and I do not find any error to interfere the same.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.



5. At this stage, the learned counsel for the petitioners would submit that the petitioners are ready to explore the possibility of settlement. If the petitioners are willing to settle the matter, they can very well explore the possibility of settlement before the court below.

04-11-2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The District Judge, Mayiladuthurai.



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CRP No.5336 of 2



S.SOUNTHAR J.

MST

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