



CRP No. 6571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6571 of 2025 and
CMP.No.32487 of 2025**

T.Rahul Prasath

Petitioner(s)

Vs

1. K.Shanmugavel

2.P.Anandan

Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the impugned fair order dated 10.10.2025 passed in I.A. No. 3/2024 in OS No. 259 / 2020 on the file of the District Munsif Court, Kumarapalayam.

For Petitioner(s): M/s.V.L.Akshai Sajin Kumar

ORDER



The Civil Revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/third defendant seeking rejection of the plaint.

2. The respondents herein filed a suit in their capacity as representatives of body of creditors of 1st defendant in the suit namely K.S.Velusamy. The suit was filed for a declaration that sale deed executed by 1st defendant in favour of 2nd defendant dated 12-01-2016 was null and void and for consequential injunction restraining the defendants from alienating or encumbering the suit property. When the suit was pending, the 2nd defendant sold the property to the petitioner herein under sale deed dated 03-09-2022. Therefore, the respondents filed impleading application in IA.No.2 of 2024 and the same was allowed. Hence, being a *pendente lite purchaser*, the petitioner was impleaded as the 3rd defendant in the suit.

3. After his impleadment, the petitioner filed instant application seeking rejection of the plaint on the ground that the respondents had no locus standi to maintain a suit as they failed to produce the resolution passed by the creditors of the 1st defendant. Thus, according to the petitioner, there was a failure of cause of action. It was further stated that the respondents undervalued the property



and the pecuniary jurisdiction of the court was wrongly fixed. It was further stated that the suit prayer was barred by limitation. On these three grounds, the petitioner sought for rejection of the plaint.

4. The trial court, after hearing both the parties, came to the conclusion that the petitioner failed to make out any case for rejection of the plaint and dismissed the application. Aggrieved by the same, he has come before this court.

5. The learned counsel for the petitioner tried to assail the impugned order passed by the trial court mainly on the above said three grounds. He submitted that in the sale deed executed by 1st defendant in favour of 2nd defendant, the suit property was valued at Rs.6,00,000/- however, the present suit has been valued only for Rs.6,000/-. Therefore, there is undervaluation in the suit claim.

6. It is pertinent to mention that the suit was filed by the respondents as representatives of body of creditors of 1st defendant. It was the main case of the respondents that in order to defraud his creditors, the 1st defendant fraudulently transferred the property in favour of 2nd defendant on 12-01-2016. It is noted by the trial court that the respondents filed application in IA.No.409 of 2017 and they have been duly recognised as representatives of the body of the creditors. When the respondents are allowed to sue as representatives of the body of the creditors by the order passed by the trial court, we cannot say merely because the respondents failed to produce any resolution authorising them to file the suit, there was a failure of cause of action. In any event, they can always



maintain a suit in their individual capacity as creditor of the first defendant.

While considering the petition for rejection of the plaint, the court is only governed by the averments contained in the plaint and the plaint documents. It need not go to the sufficiency of the evidence. Therefore, the said contention raised by the petitioner is not appealable to this Court.

7. As far as the contention raised regarding undervaluation of the suit claim is concerned, the respondents seek declaration that sale deed executed by 1st defendant in favour of 2nd defendant was null and void. The respondents were not party to the sale deed, therefore, they need not pay court fees on the face value of the document. The respondents valued the declaration prayer under Section 25(d) of Tamil Nadu Court Fees and Suit Valuation Act and paid court fees based on notional value. The same is in order. Therefore, the contention raised by the petitioner regarding undervaluation is liable to be rejected.

8. Though petitioner raised question of limitation also, in the affidavit filed in support of the petition to reject the plaint, he has not elaborated how the suit is barred by limitation. The impugned sale deed was executed on 12-01-2016 and the suit was filed on 19-08-2017. Therefore, *prima facie*, the suit appears to be within the time. When the petitioner is not able to demonstrate how the suit is barred by limitation, the vague plea made in the affidavit as if the suit was barred by limitation is not sufficient to reject the plaint. Therefore, this



court is not impressed by any of the contentions raised by the learned counsel for the petitioner in support of his prayer for rejection of the plaint.

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9. It is also pertinent to mention that the petitioner was impleaded as 3rd defendant in the suit as per order passed in IA.No.2 of 2024 on the ground that he purchased subject property from 2nd defendant pending suit on 03-09-2022. The sale in favour of petitioner is hit by doctrine of *lis pendens*. The plea of bonafide purchaser is not available to Section 52 of the Transfer of Property Act. The order passed in IA.No.2 of 2024 impleading the petitioner has attained finality and the petitioner has not challenged the same. In these circumstances, I am unable to find any reason to interfere with the impugned order passed by the trial court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected Civil Miscellaneous Petition is closed. No costs.

19-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

The District Munsif Court, Kumarapalayam.



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S.SOUNTHAR J.
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