IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6529 of 2025
and C.M.P.No.32279 of 2025

1. K.Mohanran,
   S/o.Kuppan (Late)

2. K.Kala,
   W/o.Kuppan (late) ... Petitioners

vs.

1. B.Girija,
   W/o.K.Balaji

2. K.Balaji
   S/o.Kannan ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 25.11.2025 in I.A.Sr.No.79970 in O.S.No.8973 of 2021 passed by the XVII Additional Judge, City Civil Court, Chennai and allow the Civil Revision Petition.

For Petitioner : Ms.D.Sathya
for Mr.K.Shyam Sunder

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court rejecting the application filed by the petitioner seeking rejection of the plaint.

2. The respondent herein filed a suit seeking recovery of money for a sum of Rs.12,98,800/- together with interest. The suit was laid based on the deed of debt allegedly executed on 09.10.2018, 22.10.2018 and the deed of undertaking of debt was executed on 09.04.2021.

3. The petitioner, who was arrayed as sole defendant in the suit filed an application for rejection of plaint. In the said application, the petitioner has raised the following two points:

1. The second document viz., deed of undertaking of debt dated 09.04.2021 was executed under coercion and hence, it was a void document. In that case, the suit filed by the plaintiff on 17.11.2021 is out of time.
2. The plaintiff claim that entire sum of Rs.12 lakhs was paid by him by cash, therefore, the same is in violation of Section 269ST of Income Tax Act.

4. The said application was rejected by the Trial Court by the impugned order even without numbering, therefore, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner by taking this Court to the judgment rendered by the Apex Court in the case of ***The***

Correspondence, RBANMS Educational Institution Vs. B.Gunashekar & Anr. reported in ***2025 INSC 490*** would submit that in view of violation of Section 269ST of the Income Tax, the plaint is liable to be rejected and the Trial Court committed an error in rejecting the application even without numbering.

6. The learned counsel would also submit that the limitation point raised by the petitioner was not at all considered by the Trial Court.

7. A scrutiny of the judgment relied on by the learned counsel for the petitioner would indicate that in case of non-compliance of 269ST of the Income Tax, the Apex Court issued the following directions, the same reads as under:

> *"7. It is submitted that in a recent judgment the **Hon'ble Supreme Court, in The Correspondence RBANMS Educational Institution Vs. B.Gunashekar & another in Civil Appeal No.5600 of 2025** has, in a similar cases rejected the plaint for non-compliance of aforesaid provisions of the Income Tax with the following directions:*
>
> *(A) Whenever, a suit is filed with a claim that Rs.2,00,000/- and above is paid by cash towards any transaction, the courts must intimate the same of the jurisdictional Income Tax Department to verify the transaction and the violation of Section 269ST of the*

Income Tax Act, if any.

(B) Whenever, any such information is received either from the court or otherwise, the Jurisdictional Income Tax authority shall take appropriate steps by following the due process in law.

(C) Whenever, a sum of Rs.2,00,000/- and above is claimed to be paid by cash towards consideration for conveyance of any immovable property in a document presented for registration, the jurisdictional Sub-Registrar shall intimate the same to the jurisdictional Income Tax Authority who shall follow the due process in law before taking any action,

(D) Whenever, it comes to the knowledge of any Income Tax Authority that a sum of Rs.2,00,000/- or above has been paid by way of consideration in any transaction relating to any immovable property from any other source or during the course of search or assessment proceedings, the failure of the registering authority shall be brought to the knowledge of the Chief Secretary of the State/UT for initiating appropriate disciplinary action against such officer who failed to intimate the transactions."

8. Therefore, it is clear that if a suit is filed with the claim of Rs.2,00,000/- and above and the same is paid by way of cash, the Courts must intimate the same to the jurisdictional Income Tax Department Officer to verify whether the transaction was made in violation of Section 269ST of the Income Tax Act. The Hon'ble Apex Court, never said that

the violation of Section 269ST of the Income Tax Act would result in rejection of plaint.

9. The learned counsel for the petitioner by taking this Court to the final portion of the judgment would submit that in the said case, the plaint was rejected by the Apex Court, however, the same has not been taken note of by the Trial Court.

10. A perusal of the above judgment would indicate that a suit for bare injunction has been filed by an agreement holder against a third party transferee. The Apex Court stated that the agreement holder will not acquire any interest in the agreement mentioned property and hence, he is not entitled to maintain a suit for injunction against third party transferee.

11. Only on that substantial ground, the plaint was rejected by the Apex Court in the case cited supra and the plaint was not rejected on the ground of violation of Section 269ST of Income Tax act. Therefore, the said judgment relied on by the petitioner will no way help the petitioner.

12. As far as the submission regarding the plea of limitation is concerned, the petitioner in paragraph 4 of the affidavit in the application for rejection of the plaint submitted that second document dated 09.04.2021 was executed under coercion and therefore, if the same is ignored, the suit is barred by limitation. Whether the plaint document dated 09.04.2021 was executed under coercion or not is a matter of evidence and the same shall be decided at the time of final arguments. Based on mere averment in the affidavit, we cannot assume the said document was executed under coercion and hence, the plaint shall be rejected. Therefore, the said submission made by the learned counsel for the petitioner is also not acceptable to this Court.

13. Since the petitioner has not made out any substantial point to consider the prayer of rejection of the plaint, I do not find any error in the impugned order to interfere with the same.

Accordingly, this Civil Revision Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

18.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mp

To

1. The XVII Additional Judge, City Civil Court, Chennai

2. V.R.Section,
   High Court of Madras.

S.SOUNTHAR, J.

mp

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