



C.R.P.(PD)(MD)No.910 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.910 of 2025

S.Rashid Ali

...Petitioner/Plaintiff

Vs.

1.N.Kannappan

2.A.Ramakrishnan

3.Mohamed Ali Jinnah

...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the return order dated 20-02-2025, in Unnumbered O.S.No. in TN7L05000003/2025 on the file of the learned Sub Judge, Tirunelveli.

For Petitioner : Mr.K.Chengiz Khan

* * * * *

ORDER

The plaintiff in unnumbered O.S.No.TN7L05000003 of 2025, on the file of the Sub Court, Tirunelveli, has filed the present revision petition challenging the return order passed by the said Court on 20.02.2025, wherein the Court has returned the plaint on the ground that the suit is not maintainable.



C.R.P.(PD)(MD)No.910 of 2025

WEB COPY

2.A perusal of the plaint averments reveal that the plaintiff has admitted that the first defendant is the owner of the property and the plaintiff claims that the first defendant has executed an unregistered sale deed in his favour on 05.04.2012. According to the plaintiff, he was put in possession, pursuant to the said unregistered sale deed.

3.A perusal of last 5 lines in paragraph No.5 of the plaint reveal that the plaintiff claims the title to the suit schedule property on the basis of adverse possession from the date of unregistered sale deed, dated 05.04.2012. The suit has been filed on 02.01.2025, after a period of 12 years from the date of the said unregistered sale deed.

4.The learned Counsel appearing for the revision petitioner has relied upon the judgment of the Hon'ble Supreme Court reported in **2019 (6) MLJ 96(SC)**, wherein the Hon'ble Supreme Court was pleased to hold on the plea of adverse possession, a suit for declaration of title can be maintained by the plaintiff. It no longer remains as a shield in the hands of the defendants.



C.R.P.(PD)(MD)No.910 of 2025

WEB COPY

5.The learned Counsel appearing for the revision petitioner has further submitted that he will amend the plaint prayer restricting the prayer with regard to the declaration of title and he would give up alternative prayer for specific performance.

6.Recording the said submissions, the trial Court is directed to number the suit, if it is amended and presented.

7.With the above said observations, this Civil Revision Petition stands disposed of. No costs.

8.The Registry is directed to return the original impugned order after getting due acknowledgment from the learned Counsel appearing for the revision petitioner.

25.03.2025

Internet:Yes/No

Index:Yes/No

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R.VIJAYAKUMAR, J.

RJR

To

The learned Sub Judge, Tirunelveli.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.910 of 2025

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