



CRP(MD). No.2046 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.2046 of 2025

Jeyalakshmi

... Petitioner

Vs

1.Ramalakshmi
2.Shenbagaraman
3.Sankar
4.Mariyammal

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India against the order in OS NO. of 2024 dated 17.03.2025 on the file of the Sub Court, Rajapalayam.

For Petitioner : Mr.H.Arumugam

ORDER

The Civil Revision Petition is filed against the order in OS NO. of 2024 dated 17.03.2025 on the file of the Sub Court, Rajapalayam.

2. The petitioner filed a suit before the trial Court and the trial



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Court rejected the plaint without numbering the same. Challenging the return, the petitioner is before this Court.

4. The learned counsel for the petitioner/plaintiff would submit that the suit is for declaration to declare the settlement deed dated 24.05.2017 vide Doc.No.1742/2017 and 1743/2017 is null and void and claiming partition of 1/10th share in the suit schedule property. However, the plaint was rejected without numbering the suit on the simple ground that the suit is barred by limitation under Article 56 of the Limitation Act. The learned counsel would submit that the issue arises in the present petition is no longer res integra, when the very same issue was considered by this Court in 2024 Supreme (online) (MAD) 19393 – Supreme Today [T.Sudhakar v. M.Sheshadri] and 2025 Supreme (online) (MAD) 969 – Supreme Today [M.Abdul Rahman v. C.Santhi], wherein, this Court clearly held that the limitation is a mixed question of law and on the sole ground, it cannot be rejected without numbering and opportunity should be given to the plaintiff and the respondent for adjudication at the time of trial and even after numbering the suit, the limitation can be taken as a preliminary issue during trial. However,



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without numbering the suit rejecting the plaint is not sustainable one.

Hence, the learned counsel prays for appropriate direction.

5. Since the issue arises in the civil revision petition is as to whether the suit is to be numbered or not and since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

6. The suit is one for declaration to declare the settlement deed is null and void and for claiming partition. The trial Court rejected the plaint without numbering the suit and without issuing any notice. Admittedly, the petitioner is a daughter of the first respondent and sisters of the other respondents. It is not in dispute that the the petitioner is a party and signatory to the documents in Doc.Nos.1742/2017 and 1743/2017. Assurance given by the other respondents was not honoured, therefore, the petitioner filed the suit before the trial Court. However, the trial Court, without numbering the suit reject the plaint on the simple ground that it is hit by Article 56 of the Limitation Act.



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7. The issue arises in the present petition is no longer res integra in view of the decisions rendered in the decisions (supra), in Paragraph Nos. 4 to 6 in 2024 Supreme (online) (MAD) 19393 – Supreme Today [T.Sudhakar v. M.Sheshadri] and in Para 4 in 2025 Supreme (online) (MAD) 969 – Supreme Today [M.Abdul Rahman v. C.Santhi]. In view of the settled proposition of law and in view of the aforesaid decisions, rejection of the plaint without numbering the suit is not sustainable one. It is clear violation of the mandate of law. Hence, the Civil Revision Petition is allowed and the impugned rejection made by the trial Court vide order dated 17.03.2025 is set aside. The trial Court is directed to number the suit and dispose the same as expeditiously as possible. No costs.

29.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Sub Court, Rajapalayam.

2.VR Section

Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) No.2046 of 2025**

Date : 29/07/2025