



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 89 of 2026

1. C.T.Alagappan
S/o. Late CVCTS Chidambaram
Chettiar, Rep. by his power of attorney
P.R. Nandagopal Reddy, Managing
Director, Nilamakal Boomi Viyabar
Private Limited,
No.2-B, Venkata Narayana Road,
T.Nagar, Chennai 600 017.

Appellant(s)

Vs

1. Raka Corporation Private Ltd.,
Presently Raka Chemicals and Food
Products Ltd., Co.Registered under
Companies Act 1956, Rep. by its
Managing Director, 159, Mount Road,
Chennai 600 002.

2.Madras Industrial Investment
Corporation Ltd.,
At present Tamil Nadu Industrial,
Investment Corporation Ltd., Having its
office at 692, Anna Salai, Nandanam,
Chennai 600 035.

3.N. Devendran
Partner of PILCO Mirror Industries,
SP-3, Developed Plot, Industrial Estate,
Guindy, Chennai 32.



4.N. Rajendran

Partner of PILCO Mirror Industries,
SP-3, Developed Plot, Industrial Estate,
Guindy, Chennai 32.

5.N. Umapathy

Partner of PILCO Mirror Industries,
SP-3, Developed Plot, Industrial Estate,
Guindy, Chennai 32.

6.N. Rukmangadan

Partner of PILCO Mirror Industries,
SP-3, Developed Plot, Industrial Estate,
Guindy, Chennai 32.

7.Auto Fabs

Having its registered office at No.6-A,
Phase - 1, Peenya Industrial Area,
Bangalore 560 058.

8.Krishna Fabrications Private Limited

Having its registered office at No.6-A,
Phase - 1, Peenya Industrial Area,
Bangalore 560 058.

9.Jones Foundations Pvt.Ltd.,

Moovarasampet Main Road,
Madipakkam, Chennai 600 091.

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgment and Decree dated 12.09.2025 passed in A.S.No.14 of 2024 on the file of Subordinate Judge, Chengalpattu confirming the Judgment and Decree dated 28.03.2024 passed in O.S.No.275 of 2022 on the file of District Munsif Court, Chengalpattu and allow the above Second Appeal.

For Appellant(s): Mr.L.Dhamodharan



For Respondent(s): MR.K.Harishankar Counsel for Caveator- R9
JUDGMENT

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Challenging the concurrent findings of the Courts below, the plaintiff has preferred this Second Appeal.

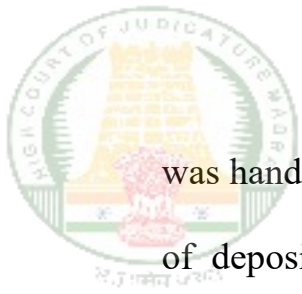
2. The plaintiff had filed the suit in O.S.No.275 of 2022 on the file of the District Munsif Court, Chengalpet, for declaration to declare that the sale deed dated 11.07.1979 and another sale deed dated 17.07.2021 as null and void with consequential relief of permanent injunction not to create any encumbrance over the suit property to an extent of 3 acres and 98 cents comprised in S.No.121A/2 [New S.No.121A/2C1], Guduvanchery Village, Vanalur Taluk, Chengalpet District patta no.30 with four boundaries as described in the plaint schedule property against 9 defendants. On receipt of summons, the 9th defendant filed an application under Order 7 Rule 11 of CPC to reject the plaint stating that the plaint submitted by the plaintiff as such is frivolous and there is no cause of action for filing the suit and it is clear case of abuse of process of law with other contentions. The said application was contested by the plaintiff by filing his objections. On hearing both sides, the trial Court had allowed the said application by holding that it is a vexatious litigation and the suit has been filed after a lapse of 40 years of the execution of the sale deed was put into challenge



with an ill motive and it is an abuse of process of law. Challenging the same, an appeal has been filed in A.S.No.14 of 2022 before the Additional Sub Court, Chengalpet. The first appellate Court also analysed entire facts and circumstances and finally concluded that the suit is absolutely lack of pleadings as to when the cause of action arose to file the suit and also held that the plaintiff has no locustandi to deny the right of the defendants and also held that it is a clear case of abuse of process of law and confirmed the findings of the trial Court. Challenging the concurrent findings of the Courts below, the present Second Appeal has been filed.

3. Brief facts leading to filing of the suit is as follows :

The plaintiff was represented by his power of attorney, viz., P.R.Nangagopal Reddy. The plaintiff is the legal heir of C.V.Chidambaram Chettiar. The plaintiff states that the first defendant possessed an extent of 4.10 acres of punjai land comprised in Survey No.121 A2 and for their business purpose, through their Managing Director Kalidas, they availed financial assistance from his father Chidambaram Chettiar. According to him, his father had lent a sum of Rs.10 lakhs to the first defendant and executed necessary documents for the said borrowal and he alleged that the loan was availed on 18.06.1964 and as a security, the original documents pertaining to the said land



was handed over through the Managing Director and created a mortgage by way of deposit of title deeds for the said loan. Near about 9 documents were narrated in the plaint averments which were said to be deposit of title deeds and created mortgage. Thereafter, the first defendant transferred the property to their sister concern namely M/s.Raka Chemical and Food Products Ltd., with its debts. The alleged mortgagor has not paid either principal or interest, but handed over the vacant possession of the land measuring to an extent of 2 acres on the northern side of the property to the mortgagee, viz., Chidambaram Chettiar. Thereafter as the mortgagor neither paid the principal nor the interest and by efflux of time, redemption of mortgage has not been made. In the meantime, the said Chidambaram Chettiar also passed away on 10.11.1985.

4. The plaintiff succeeded the legal estate of his father. When the plaintiff encountered with trouble in possession and enjoyment of the property, resulted in filing of the suit in O.S.No.110 of 2006. In the said suit, Raka Chemicals and Food Products Ltd., remained exparte and an exparte decree was passed in the suit on 06.09.2006, due to which out of 4.10 acres, 2 acres of land on the northern side remained vacant and in the remaining extent business was carried on. However, the first defendant is claiming right over the entire extent without considering that the possession of 2 acres of land which was already handed over to the plaintiff. On verification, the plaintiff came to know that the



first defendant seems to have availed loan of Rs.3,72,000/- from the second defendant and he committed default in payment of dues which resulted in filing of a suit in O.S.No.24 of 1967 for recovery of money by the second defendant, wherein the first defendant had executed a deed of indenture in respect of the mortgaged property without the original documents by colluding with the second defendant. Thereafter, he remained exparte and the suit was decreed and the suit property was brought for auction and by paying a sum of Rs.3,45,000/- the defendants 3, 4 5 and 6 representing M/s.PILCO Mirrors purchased the property and sold the same to D7 on 11.07.1979. Thereafter, the 7th defendant got amalgamated with the 8th defendant M/s.Krishna Fabrications Pvt. Ltd. and lastly, the 8th defendant sold the property to the 9th defendant on 12.07.2021. The above transactions seem to have been created by all the defendants with an intention to grab the land without filing the original documents of the immovable property and created encumbrance. Further, the sale certificate in favour of M/s.Pilco Mirror is invalid since the earlier decree obtained by the second defendant is fraudulent one and based on that the property was auctioned, thereby the alleged sale deed and subsequent sale transactions have no legal entity nor confer any title. All these transactions are not valid and void transactions. The plaintiff further states that all these transactions would not bind him and the documents executed by the defendants are not valid and cannot be enforced before the Court of law.



5. He further states that he is possession of the property for more than 4 decades and decree has also been passed in the suit in O.S.No.110 of 2006 on 20.12.2021. He issued notice to the defendants. But defendants gave a false reply on 03.01.2022 for that he had sent a rejoinder. Narrating all the above from the date of borrowal of loan till the sale made on 12.07.2021, he values the suit for Rs.5000/- and court fee of Rs.150/- was paid under section 25[a] and 27[c] of Tamil Nadu Court Fees Act. The plaintiff had filed 19 documents along with the plaint out of which serial Nos.1 to 14 are Xerox copies and 15 and 16 are issuance notice, reply notice and rejoinder.

6. Immediately on receipt of summons, the 9th defendant had filed an application under Order VII Rule 11 of CPC stating that the suit as such is frivolous, baseless and motivated and the suit is an abuse of process of law which has been filed with an ulterior motive and to make unjust enrichment by attempting to interfere with the possession and enjoyment of the property which absolutely belongs to the 9th defendant free from encumbrances. A perusal of the plaint, it is evident that the plaint does not disclose any cause of action and from the averments in the plaint, it is seen that the suit is barred by law. Further he cotend that the suit has been filed by one Mr.P.R.Nandagopal Reddy, claiming to be Power of attorney holder of the plaintiff and the plaint does not



disclose any pleadings with regard when the alleged authorization/ power of attorney was executed or registered and also there is no cause of action for the

suit. With regard to the averments in para 3 of the plaint, this defendant contend that the first defendant is said to be availed loan of Rs.10 lakhs from the plaintiff's father on 18.06.1964 and the same was secured by a mortgage by deposit of title deeds. But there is no pleading with respect to the date of deposit of title deeds, place of deposit, which are essential to establish valid loan as well as mortgage by deposit of title deeds. It is also mentioned that as per the notice dated 20.12.2021, pre suit notice, that the suit is filed on the basis of the pronote and in that notice, he did not contend with regard to said mortgage. The said CVTS Chidambaram Chettiar died on 10.11.1985. Dehors the validity of the loan transaction or the alleged mortgage in favour of the said CVTS Chidambaram Chettiar. The very allegation of the plaint itself reveals that the said Chidambaram Chettiar had not initiated any action for recovery of the alleged loan amount or enforced the alleged security over the plaint schedule property, for 21 years when he was alive, which raises doubt about the validity of the alleged loan and the mortgage. Further, it is contended that without validity of the aforesaid transaction, the alleged claim of loan of the said Chidambaram Chettiar against the first defendant became time barred and abandoned during his life time. The suit for recovery of money has to be filed within three years. Even assuming that the claim is based on the mortgage, the



suit ought to have been filed within 12 years. Now the plaintiff is attempting resurrect the time barred action, that too after 40 years after the death of his father.

7. He further contended that the plaintiff claim to be put in possession on deposit of the alleged titled deeds. But only photographs of such documents have been filed. It is further stated that in the year 1966 itself, the first defendant and its sister concern were ordered to be wind up by this Court and official liquidator was appointed for the companies and execution of the decree was obtained by the TIC/ the second defendant in O.S.No.24 of 1967 before the Sub Court, Chengalpet and the suit property was sold in a Court auction held on 13.09.1978 to M/s.Pilco Mirror Industries. The sale was confirmed on 16.10.1978 in E.P.No.1 of 1978 in O.S.No.24 of 67 before the Principal Subordinate Judge, Chengalpet. Thereafter, exclusive possession of the suit property, including land and super structure was delivered to the auction purchaser, through the delivery Order dated 29.06.1979. Thereafter, on 11.07.1979, the auction purchaser executed a sale in favour of M/s.Autho Fabs Private Limited/D7. Thereafter, an extent of 12 cents out of 4 acres 10 cents was acquired for expansion of GST Road/national highways by the Special Tahsildar. The property now available is 3 acres and 98 cents. By a Scheme of amalgamation with the 8th defendant as sanctioned by the High Court of



Karnataka and Madras, the 8th defendant became joint owner of the suit schedule property from 29.06.1979 and the 8th defendant has become the absolute owner of the property with exclusive possession from the year 1979. On 12.07.2021, the entire suit property with super structure was sold to this defendant through a registered sale deed vide document no.8589 of 2021 and he was put in possession of the property on the same day. Therefore, there is no question of the plaintiff being in possession of any part as alleged. The absolute right, title and interest over the suit property with actual possession absolutely vest with the 9th defendant. The plaintiff has no right to cancel the sale certificate or the sale deed as he has no right over the property. There is no cause of action to file the suit.

8. It is his further contention that the plaintiff had fraudulently obtained exparte decree in O.S.No.110 of 2006 by alleging that his father was in possession of the property suppressing winding up of both the companies as early as in the year 1966 and subsequent dissolution of the company and the plaintiff committed fraud upon the Court and therefore, the decree obtained by the plaintiff is null and void and non est in law and not binding on this petitioner. Further, it is contended that no suit can lie against a company which has been dissolved or against a company which is in liquidation without leave of the Court and such company in liquidation can only be represented through



official liquidator after the liquidation. The plaintiff willfully suppressed very many facts and by misleading the Court had obtained ex parte decree and the present suit also filed against a dissolved company. Therefore, as such the suit is clearly barred by law. The plaintiff has no locus standi to dispute this defendant's title and he is not entitled to seek for cancellation of the sale deed and the declaration in respect of the sale deed dated 12.07.1979 and the same is ex facie barred by law of limitation.

9. The other allegations in the plaint, both on facts and law, unsustainable and as such the suit is frivolous, vexatious and barred by law and it does not disclose any cause of action and the reliefs claimed by the plaintiff is not permissible under law and the suit is an abuse of process of law. Even in the suit there is no prayer for recovery of the alleged loan or enforcement of the alleged mortgage. By paying Rs.150/- court fees the plaintiff is attempting to unsettle the Court decree passed 40 years ago and the amalgamation sanctioned by the High Court of Karnataka and Madras is 27 years ago. It is his further contention that the relief is also under valued by playing fraud upon the court to usurp the property belonging to the petitioner. The suit has been filed with ill motive. More over, the power of attorney has no authority to represent the plaintiff. Hence, submitted that the suit as framed is barred by law and the suit



also does not disclose any cause of action and also under valued and prayed to reject the plaint.

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10. The plaintiff filed objections before the trial court stating that the plaint cannot be rejected on the ground of no cause of action, as it is coupled with bundle of facts and cannot be read in pick and chose mode and the plaint has to be read in its entirety. Therefore, on that ground, rejection of the plaint, as such, is not maintainable. Further, in respect of Order VII Rule 11 [b] of CPC as the plaintiff is not a party to the sale deed, the court fee paid by him is sufficient and it is not under valued. Further, the allegation that with an intention to grab the property, the plaintiff fraudulently approached the Court is baseless allegation and on that ground the plaint cannot be rejected. Further, the other allegations with regard to the relief sought by the plaintiff is a matter for trial and the same cannot be considered in the application filed for rejection of the plaint. Further under Order III Rule 2 of CPC the power agent had obtained leave of the Court and therefore, the Power of Attorney has locustandi to proceed with the case. With regard to the allegation that based on the decree obtained in O.S.No.24 of 1967 by the defendants is a subject of fact and same has to be decided only at the time of trial. Further the allegation that the plaintiff had obtained exparte decree fraudulently is stoutly denied. With regard to the possession of the property with the defendant and the alleged transfer of



ownership was created on papers, as original documents are in the hands of the plaintiff and he rightly filed a suit in O.S.No.110 of 2006 and the plaintiff is in possession of the documents. The defendants are attempting to grab the property by creating documents and therefore, the suit filed as such is within the parameters of law and therefore, the plaint as such is maintainable. Therefore, prayed to dismiss the application.

11. Heard both sides. The trial judge considering the submission on both sides and considering the averments and the documents filed along with the plaint, held that the power agent had stated that the principal, viz., Chidambaram Chettiar on 08.06.1964 had given a loan of Rs.10 lakhs to the first defendant and for the said loan now the present plaintiff want to declare that the sale deed dated 12.07.1979 executed by the defendants 4, 5, 6 and 7 in favour of the 8th defendant and also the sale deed dated 12.07.2021 executed by the 8th defendant in favour of the 9th defendant as null and void. But the said Chidambaram Chettiar died on 10.11.1985. During his life time, he has not initiated any legal action to recover the alleged loan and the present plaintiff has filed the suit for permanent injunction in the year 2006 against the first defendant in O.S.No.110 of 2006 wherein the first defendant had remained exparte. In the pre suit notice, issued on 20.12.20021, a copy of which has been filed along with the plaint, in which it is stated that the defendant had



executed a promissory note agreeing to repay the loan with 18% interest. But no legal action was taken to recover the said sum of Rs.10 lakhs within three years. The suit has been filed to declare the sale deeds dated 11.07.1979 and 12.07.2021 as null and void and the plaintiff claims to be absolute owner as on date is expressly barred under law of limitation. It is further held that even if it is considered as a mortgage transaction by deposit of title deeds, the suit on the basis of the mortgage has to be filed within 12 years as per law of limitation.

12. The trial judge also observed that the defendants 4, 5, 6 and 7 had purchased the suit property by the Court auction as per sale certificate in E.A.No.296 of 1979 dated 29.06.1979 and the plaintiff cannot be permitted to indirectly challenge the said sale certificate issued by the Court after a lapse of 40 years and if it is permitted, it is nothing but abuse of process of law. The trial Court also held that the present suit is specifically barred under the law of limitation and also held that the suit is barred by law and the cause of action pleaded is imaginary and created only to circumvent the law to achieve the ill motivations and the suit is vexatious and abuse of process of law and deserved to be thrown out at the thresh hold. Further, relying on the catena of judgments of the Honourable Apex Court has held that such ill motivated, illegal action should be nipped in the bud without forcing the defendants to go through the ordeal of trial. For the aforesaid reasons, the trial Court had held that the



ingredients of the Order 7 Rule 11 [a] and [d] of CPC is attracted and therefore inclined to allow the application filed by the petitioner under Order 7 Rule 11 of CPC and accordingly, the plaint was rejected.

13. Aggrieved over the finding, the plaintiff preferred an appeal in A.S.No.14 of 2024 before the Additional Sub Judge, Chengalpet. The first appellate also considering the entire submissions of both sides as well as the grounds of the appeal raised by the plaintiff, independently revisited and framed points for consideration and analysed entire facts and held that as per the plaint averments, the right available to the plaintiff is to recover the loan amount of Rs.10 lakhs from the 1^a Defendant for which the limitation to file the suit for recovery of money on the basis of promissory note is three years and on the basis of mortgage deed it is twelve years, from the date of borrowal, i.e., that is from 18.06.1964 three years period lapses on 18.06.1967 and twelve years period lapses on 18.06.1976. But there is no averment in the plaint as to why the Plaintiff's Father had not initiated any action to recover the alleged debt. Hence as per section 27 of Limitation Act the right available to the Plaintiff and his father CVCTS Chidambaram got extinguished. Moreover CVCTS Chidambaram also died on 10.11.1985.



14. The first appellate Court has further held that the present suit has been filed to declare the Sale Deed dated 11.07.1979 and 12.07.2021. The limitation for filing the said suit under Article 58 of Act is three years and cause of action for filing this suit starts to run from the date when the right to sue first accrues to the Plaintiff. This means the three year timer begins when the Plaintiff gains knowledge of the cause of action. In this case there is no averment in the plaint as to the date of knowledge of the Plaintiff about the execution of the above impugned documents. In para no.4 of the plaint, the Plaintiff had stated that he was exasperated when he came to know that the first respondent claimed ownership over the suit property. The Plaint has silent as to when the Plaintiff came to know and when the Plaintiff was exasperated and when the Plaintiff had started to enquire about the alleged transaction. Absolutely there is no pleading in the plaint as to when the cause of action particularly accrues to the plaintiff to file this suit. Therefore this case is nothing but an abuse of process of law and the plaintiff has no locostandi to deny the rights of the respondents The rights alleged by the Plaintiff got extinguished long back and the same cannot be revived by filing vexatious suit against the Defendants. Hence this Court comes to the conclusion that the suit is barred by limitation and the order passed by the trial Court does not warrant any interference and liable to be confirmed. Accordingly, confirming the findings of the trial Court, answered the points against the plaintiff and dismissed the appeal. Aggrieved over the concurrent



findings of the Courts below, the plaintiff has preferred the present Second Appeal.

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15. The learned counsel for the appellant argues that the reasons assigned by the Courts below for rejecting the plaintiff is beyond the scope of Order VII Rule 11 CPC and also contend that the trial Court had conducted a mini trial and without considering the settled principle that only the plaint averments and annexures alone have to be considered under Order VII Rule 11 of CPC. had rejected the plaint. He further submits that the first appellate Court also failed to take note of the authorities and the trial Court exceeded its jurisdiction by rendering findings on merits about the facts and the first appellate Court confirming the findings of the trial Court is untenable and total error committed by the Courts below. Further, he submits that the Courts below erred in rejecting the plaint on the ground of limitation at the thresh hold without considering that it is a mixed fact and law, which requires evidence and calculated the period of limitation by misapplying Article 58 of the Limitation Act. As the cause of action accrues from the date of knowledge of the plaintiff and the plaintiff's right has to be seen and not from the date of execution of sale deed and the Courts below have also failed to take note of the fact that the plaintiff also challenged the sale deed of the year 2021, i.e., within three years of limitation and as the suit is filed in the year year 2022, erroneously concluded

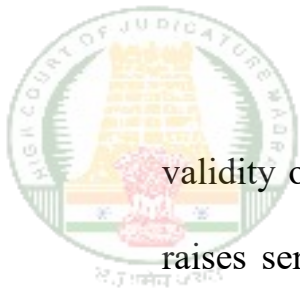


that the reliefs are barred by limitation and as such the findings are misconception of law and facts.

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16. Further, he submits that the Courts below erroneously held that the plaintiff has no locustandi to file the suit since he is in possession of the original documents during deposit of the title deeds and held that due to inaction of the plaintiff's father, the plaintiff has not extinguished his right to sue. Further the Courts below failed to take note of the relief prayed by the plaintiff and incorrectly held that the suit ought to have been filed for recovery of money and the same is illegal. He further argues that the Courts below violated the settled principle that the allegation of forgery cannot be evaluated under Order VII Rule 11 of CPC, which requires full trial. Contrary to the limit of Order VII Rule 11 of CPC, the Courts below also failed to consider the documents filed along with the plaint which proves his continuous possession and he is entitled to challenge the fraudulent transaction. Even assuming that the relief is time barred, the plaint cannot be rejected in its entirety, when the other relief, particularly, the relief of cancellation of sale deed dated 2021, is within limitation.

17. It is his further contention that the Courts failed to consider that the



validity of sale deeds allegedly executed by dissolved or liquidated companies raises serious legal issues requiring evidence and limitation cannot validate a void or non-est document. Further Courts below improperly decided questions of title, nature of the suit, extinguishment of rights and factual disputes all issues outside the jurisdiction under Order VII Rule 11 of CPC. Hence, submits that the finding of the Courts below is perverse which requires interference under section 100 of CPC and raising 15 substantial questions of law submits that substantial questions of law is involved in this appeal.

18. The learned counsel appearing for the caveator/ 9th respondent argues that the reasons assigned by the Courts below for rejecting the plaint is within the scope of Order VII Rule 11 of CPC and both the Courts have not travelled beyond the scope of Order VII Rule 11 CPC as alleged by the appellant and with ill motive, vexatious suit has been filed by abusing process of law based on the alleged loan transaction which happened in the year 1964. All these years no steps have been taken to recover the loan and the Courts below, based on the averments in the plaint as well as the documents annexed with the plaint had rightly concluded that the suit is not only time barred but also vexatious and abuse of process of law and the findings of the Courts below are reasonable, which requires no interference. Further the plaint is barred by law and barred by limitation and to that effect he relied on judgment of the Honourable Apex



Court in **Raghwendra Sharan Singh Vs. Ram Prasanna Sing [Dead]** by legal representatives reported in [2020] 16 Supreme Court Cases 601.

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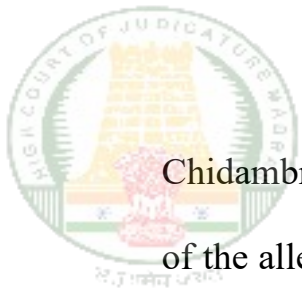
19. It is well settled position of law that while dealing with an application under Order VII Rule 11 CPC, the averments made in the plaint and the documents filed along with plaint are required to be seen and the defence of the defendants has to be seen when the grounds are pleaded for rejection of the plaint. In the absence of cause of action, the Court is bound to examine the plaint and to find whether any cause of action is disclosed in the plaint. In the case on hand, the Courts below not only rejected the plaint on the ground of lack of cause of action but also as it is barred by law as well as limitation and is vexatious and abuse of process of law.

20. A perusal of the plaint, it is seen that originally the plaintiff C.T.Alagappan was represented by his Power of Attorney one P.R.Nangagopal Reddy. As rightly pointed out by the learned counsel appearing for the respondent, there is no specific averment in the plaint, on which date the power of attorney was given in favour of the alleged power of attorney by the principal. Even a perusal of the document annexed with the plaint also does not disclose the date of the power of attorney said to be given to his power agent. When there is specific allegation with regard to the alleged power of attorney by



the respondents, the plaintiff ought to have mentioned about the date on which the power of attorney was given to the power agent. In the counter filed by the plaintiff in I.A.No.4 of 2023, he had stated that he obtained the leave from the Court to file the suit. But he has not even mentioned the date on which the power of attorney was given. The power of attorney failed to proceed with the case. Therefore, to that effect, the credibility of the power of attorney also raises doubt in the mind of the Court whether he has pleaded as per the instructions given by the original plaintiff and to that effect, the objection raised by the defendant is sustainable.

21. Further, as per the averments in the plaint, the original dispute said to be started from the father of the plaintiff, Chidambaram Chettiar and the first defendant, arising out of the alleged loan transaction said to be happened in the year 1964. According to the plaintiff, the first defendant approached the plaintiff's father Chidambaram Chettiar and availed a loan of Rs.10 lakhs for business purpose on 18.06.1964 and as a security for the said loan, a mortgage to an extent of 4.10 acres has been created by way of deposit of title deeds. In support of his claim, the plaintiff has filed only copy of documents and tax receipts and not original documents. The plaint documents 6 to 9 are only copy of the documents. As rightly pointed out by the counsel for the respondent/defendant, it is a loan transaction and during the life time of



Chidambram Chettiar till his death in the year 1989, for 21 years from the date of the alleged borrowal, he has not taken any steps to recover the money. In the pre notice, the plaintiff would contend that the first defendant had obtained loan and executed a pronote and agreed to repay the amount with interest at the rate of 18%. Per contra, he had pleaded in the plaint that he had obtained loan on mortgage by depositing the title deeds. From the inception, the claim of taking contra plea itself show that the plaintiff was not certain about the alleged loan transaction nor any reason assigned for not taking steps to recover the loan by the plaintiffs father during his life time. Therefore, the objections have been raised by the defendants that the alleged loan transaction, even assuming it is true, as per the plaint averments, the first defendant borrowed a loan and created mortgage by deposit of title deeds, the suit ought to have been filed within 12 years, even if the loan based on the mortgage. But no steps have been taken by the father of the plaintiff to recover the alleged debt. Even in the plaint, the date on which the title deeds were deposited has not been specifically mentioned.

22. The main contention of the plaintiff is that based on the alleged possession of the original title deeds, he was put in possession of two acres of land from the date of borrowal of the loan of the year 1964. When he encountered trouble, he filed the suit in O.S.No.110 of 2006 against the first defendant and obtained an exparte decree and based on the same, he contend



that he is in possession of the property from 1964 onwards. But a perusal of the plaint documents 1 to 19, there is no single document produced on the side of the plaintiff to prove that he is in possession of the property ever since from the year 1964 till the date of filing of the suit in the year 2022. No revenue records have been produced on the side of the plaintiff to prove the alleged possession of the property. The possession pleaded by the plaintiff was not supported by any relevant documents. On the other hand, the purchase of the property by the third defendant through Court auction sale certificate is disputed by the plaintiff stating that it is fraudulent decree obtained by the first and second defendants collusively in O.S.No.24 of 1967 and E.A.No.2967 of 1979 in E.P.No.1 of 19798.

23. The contention of the respondent is that in the year 1966 itself the first defendant and their sister concern was wind up and official liquidator was appointed and as on date no such company is in existence as alleged by the plaintiff in the plaint averments and the property has also been sold in a Court auction in the year 1978 itself and third defendant was the Court auction purchaser and thereafter, he conveyed the property to the other defendants and as on date, the 9th defendant who has purchased the property through a sale deed document No.8589 of 2021 and near about 12 cents out 4 acre and 50 cents was acquired by the National Highways and remaining 3 acres 98 cents as described



in the plaint was purchased by the 9th defendant. Now the plaintiff has come forward with the present suit as if he is in possession of 2 acres out of 3 acres 98 cents. More over in the plaint pleading as well as in the prayer, he prayed to declare both the sale deeds dated 11.07.1979 and 12.07.2021 as null and void. As per the pleadings, according to him the cause of action starts from the year of the alleged financial assistance and deposit of title deeds in the year 1964 and he prays to declare the sale deed of the year 1979 standing in the name of the third defendant as null and void after 43 years. Therefore, the Courts below have rightly held that the relief claimed by the plaintiff is time barred as well as vexatious relief.

24. The learned counsel appearing for the plaintiff submits that trial Court ought to have considered the entire relief and cannot pick and chose any of the relief. Even assuming that the relief of the year 1979 is a time barred one, the second relief in respect of the sale deed of the year 2021 as such is sustainable and the suit is also within time in respect of the said relief. The Courts below without considering the same in its entirety had rejected the plaint and as such, it is illegal. As per the plaint averments with regard to the cause of action, the main allegation of the plaintiff is that with regard to the immovable property for which title documents have already been deposited, was fraudulently transferred to the sister concern by the first defendant. Thereafter,



by obtaining exparte decree by the TIC / second respondent by filing a memo, managed to obtain an Order of incorporation of deed of mortgage and disputed sale certificate of the year 1977. Therefore, the plaintiff had prayed to set aside the sale deeds of the year 1979 is the prime prayer in the suit and the subsequent prayer is of the year 2021, the sale made by the 9th defendant. Therefore the second prayer is not sustainable as per the entire plaint averments. Therefore, argued that defence on the side of the appellant to that effect is not sustainable one and the same was rightly not accepted by the Courts below which requires no interference.

25. The plaint was rejected by the trial Court as per Order VII Rule 11 [a] and [d] of CPC and the same which reads as follows :

- a] where it does not disclose a cause of action;
- d] where the suit appears from the statement in the plaint to be barred by any law;

26. Order VII Rule 7[a] denotes that when plaint does not discloses a cause of action, the plaint can be rejected. As discussed above, nearly about 43 years after, the plaintiff had approached the Court based on the alleged loan transaction said to be happened in the year 1964. According to the first defen-



dant, even assuming that there is a loan transaction, there is no prayer with regard to recovery of the said loan. On the other hand, the plaintiff has prayed to declare the sale deeds of the year 1979 and 2021 as null and void and the same clearly reveals that there is no cause of action for the present suit. The plaint does not disclose cause of action to file the above suit.

27. The contention of the plaintiff is that cause of action is mixed bundle of facts and on taking note of any one of the pleadings, the plaint cannot be rejected. Coming to the case on hand, entire cause of action for the present suit arose much earlier in the year 1964 from the date of alleged borrowal of loan by deposit of title deeds by the first defendant. The law is very clear, if it is a loan on mortgage, the suit has to be filed within 12 years of the loan and if it is a loan obtained on the basis of a pronote, the suit has to be filed within three years. But in the case on hand, though both the pleas made at the time of issuance of notice, the plaintiff claimed that the loan was borrowed and executed a pronote agreeing to pay interest at the rate of 18%. In the plaint averments, he averred that the loan was obtained in the year 1964 by deposit of title deeds and mortgage was created. But for the said loan transaction, no steps has been taken by the father of the plaintiff during his life time, since, he was alive for more than 25 years from the date of borrowal. But not claiming any recovery of money with regard to the alleged borrowal, by abusing the process of law, the plaintiff



has come forward with the relief of declaration with an ulterior motive as alleged by the respondents. Therefore, the alleged cause of action pleaded by the plaintiff as such is vexatious and it is a clear case of abuse of process of law and the same is evident from the averments in the plaint and it does not require any further proof of trial. Therefore, there is no cause of action to file the present and same was rightly rejected at the thresh hold by the Courts below, which requires no interference.

28. With regard to the other ground that the suit is barred in law as per Order VII Rule 11 [d] of CPC, as discussed above, the suit was not filed in time and even to declare the sale deed dated 1979. Hence, the same is also barred by law. The plaintiff contend that from the date of borrowal he was in possession of the property, But such contention is a false for the reason that he claimed that he is in possession of 2 acres of land and also filed a suit in the year 2006 and obtained an exparte decree in O.S.No.1110 of 2006 against the fist defendant. If really, he is in possession of the property, he ought to have known about all the transactions with regard to the property and nearly about 3 decades till the property came into the hands of the 9th defendant. Besides, at the time of filing of the suit in the year 2006, the first defendant was not in existence, it was already wind up under the Companies Act by the Official Liquidator. Therefore, the date of knowledge pleaded by the plaintiff is false and same can inferred by



he plaint averments itself. Hence, the Courts below came to the conclusion that the claim made by the plaintiff is barred by limitation. Apart from that, since the first defendant was under the liquidation, without leave of the Court, the plaintiff cannot file a suit directly and the plaint, as such is also barred by law under the Companies Act. Further as referred above, original documents were not produced before the Court. Only xerox copies were filed along with the plaint to prove his possession from the year 1964. To reject the plaint, the plaint averments as well as the plaint documents alone to be considered. Therefore, the suit is a vexatious by abusing process of law and the same cannot be encouraged and it should be stopped at the inception itself as rightly observed by trial Court which requires no interference.

29. The authorities relied by the appellant is not at all applicable to the present case. Moreover, the suit has not been rejected based on the assumption, but the averments itself clearly prove that the suit is not only barred by law but is barred by limitation. The authority relied by the learned counsel for the respondent in **Raghwendra Sharan Singh Vs. Ram Prasanna Sing [Dead] by legal representatives** reported in [2020] 16 Supreme Court Cases 601 is squarely applicable to the facts of the case. Therefore, reasons assigned by the Courts below for rejecting the plaint is sustainable and needs no interference and there is no substantial question of law arise as submitted by the appellants.



30. In the result, this Second Appeal is dismissed as no merits and the findings of the Courts below are confirmed.

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04-02-2026

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

vrc

To,

1. The Additional Sub Judge,
Chengalpet.
2. The District Munsif,
Chengalpet.
3. The Section Officer,
V.R.Section, High Court, Madras.



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SA No. 89 of 2026



T.V.THAMILSELVI J.

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SA No. 89 of 2026

04-02-2026