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CRP No. 227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 227 of 2026

AND

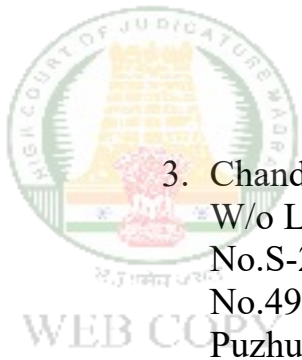
CMP NO. 1088 OF 2026

1. Boney Kapoor
S/o. Surinder Kapoor,
No.1, Bishop Walters Avenue,
CIT Colony, Mylapore,
Chennai-600 004.
2. Janhvi Kapoor
D/o. Boney Kapoor,
No.1, Bishop Walters Avenue,
CIT Colony, Mylapore,
Chennai-600 004.
3. Khushi Kapoor
D/o. Boney Kapoor,
No.1, Bishop Walters Avenue,
CIT Colony, Mylapore,
Chennai-600 004.

..Petitioner(s)

Vs

1. M.C.Sivakami
D/o. Late M.C.Chandrasekaran,
No.S-2, 2nd Floor, Tulip Apartment,
No.49, 19th Street, Extension Balaji Nagar,
Puzhuthivakam, Chennai-600 091.
2. M.C.Natarajan
S/o Late M.C.Chandrasekaran,
No.S-2, 2nd Floor, Tulip Apartment,
No.49, 19th Street, Extension Balaji Nagar,
Puzhuthivakam, Chennai 600 091



3. Chandrabhanu
W/o Late M.C.Chandrasekaran,
No.S-2, 2nd Floor, Tulip Apartment,
No.49, 19th Street, Extension Balaji Nagar,
Puzhuthivakam, Chennai 600 091
4. Uma
D/o Amirthavalli,
New No.38/46, Thachi Arunachalam Street,
Mylapore, Chennai 600 004
5. Sagalakalavalli
D/o Deivayani Ammal Alias Rani ammal
No.39, Adanjan Mudali Street,
Mandaveli, Chennai 600 028
6. Balakujambal
D/o Deivayani Ammal Alias Rani Ammal
New No.29, Old No.12,
Thachi Arunachalam Street,
Mylapore, Chennai 600 004
7. Kuppusamy
S/o Chockalingam
Old No.2, New No.3,
Ponnambala Vadhiyar Street,
Mylapore, Chennai 600 004
8. Thirupurasundari
D/o Jagadeeswari
No.6, Karuneegar Street,
Sadras, Thirukazhukundram Tk,
Chengalpattu
9. Mohanasakunthala
D/o Jagadeeswari,
No.3, Nattu Subrayan Street,
Mylapore, Chennai 600 004



10. Natarajan
S/o Jagadeeswari
Old No.58/1, New No.71/1
Perambur High Road,
Chennai 600 011
11. Balasundaram
H/o Abirami
Old No.29, New No.2,
Kallukaran St, Mylapore,
Chennai 600 004
12. Jayanthinathan
S/o Abirami
Old No.29, New No.2,
Kallukaran St,
Mylapore, Chennai 600 004
13. Mohana
W/o Sivagnanam
New street,
Mylapore, Chennai 600 004
14. Saranya
D/o Sivagnanam
New Street,
Mylapore, Chennai 600 004
15. Minor Santhya
D/o Sivagnanam
Rep by her mother and natural guardian
Mohana, W/o. Sivagnanam,
New street,
Mylapore, Chennai 600 004
16. Vedanayagi
D/o Jagadeeswari
No.89/32, Canal Bank Road,
Mandaveli, Chennai 600 028

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the order dated 01.12.2025 made in IA.No.3 of 2025 in OS.No.29 of 2025 on the file of the Additional District Judge at Chengalpattu.

For Petitioner(s): Mr.P.Subba Reddy

For Respondent(s): Mr.M.Balasubramanian
For R1 To R3

R4 To R6 - Givenup

ORDER

Challenging the impugned order passed in IA.No.3 of 2025 in OS.No.29 of 2025 passed by the Additional District Judge at Chengalpattu, the Revision Petitioners/defendants 1 to 3 have preferred this Civil Revision Petition.

2.Before the trial court, the respondents/plaintiffs 1 to 3 filed a suit praying for the relief of declaration to declare the sale deeds dated 19.04.1988 executed by defendants 4 to 6 along with late Nithyanantham in favour of Rajeshwari, Sree Latha and Sreedevi as null and void, to declare the release deed dated 16.12.1992 executed by Sree Latha Sanjay in favour of A.Sreedevi as null and void and also to declare the sale deed dated 17.12.1992 executed by Sree Latha Sanjay in favour of A.Sreedevi as null and void in respect of suit survey No.1/1B situated at Sholinganallur Village and Taluk, Chennai District, (formerly Kanchipuram District) measuring an extent of 2.70 acres or 270 cents



with four boundaries as described in the suit schedule. They have also claimed the relief of partition praying to divide the suit subject matter into 5 equal shares and to allot 1/5th share to each of the plaintiffs. On receipt of summons, the defendants have filed an application in I.A.No.3 of 2025 under Order VII Rule 11 (a) and (d) of C.P.C. praying to reject the plaint in O.S.No.29 of 2025. On hearing both sides, the trial judge had dismissed the said application holding that the averments in the plaint alone had to be taken into consideration and not based on the defence taken by the defendants in the written statement and the question of falsity and truthfulness of the allegation made in the plaint can be considered only at the time of trial. Accordingly, the application filed under Order VII Rule 11 of C.P.C. was rejected. Aggrieved over that, the revision petitioners have preferred this Civil Revision Petition.

3. Brief facts of the case is as follows :-

The case of the plaintiffs is that as per the Genealogy annexed with the plaint, the plaintiffs have claimed themselves as legal heirs of one late M.C.Chandrasekaran. The defendants 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 are the legal heirs of one M.C.Chandrasekaran, M.C.Deivayani Ammal and M.C.Jagadeeswari, who are brothers and sisters of M.C.Chandrasekaran. The plaintiffs contended that the said M.C.Chandrasekaran is one of the son of late M.C.Sambanda Mudaliar, who died on 14.05.1961 leaving behind his son and daughter as per the Genealogy tree. His wife Karpagambal died in the year



1978. Later on 29.05.1995 M.C.Chandrasekaran also died leaving behind the plaintiffs as his class-1 legal heirs. M.C.Sambanda Mudaliar, father of M.C.Chandrasekaran possessed large extent of land measuring 206.61 acres in different survey numbers at Sholinganallur village through registered sale deed dated 28.04.1943. Eversince the date of purchase, M.C.Sambanda Mudaliar was in absolute possession of the property as a lawful owner. Patta No.207 stood in the name of Sambanda Mudaliar for the lands purchased by him. M.C.Sambanda Mudaliar along with his 3 sons viz., M.C.Chockalinga Mualiar, M.C.Chandrasekaran Mudaliar, and M.C.Nithyananda Mudaliar constituted a Hindu undivided joint family. On 24.03.1960, M.C.Sambanda Mudaliar executed a Release deed, based on that, his three sons, each are entitled for 49 acres. Out of 206.61 acres of land, through the registered Release deed dated 24.03.1960, he had released 203.91 acres and retained only 2.70 acres in Survey No.1/1, which is shown as suit property. After the release deed, the other legal heirs have mutated the revenue records in their respective names and in respect of 2.70 acres, it was subdivided as S.No.1/1B and patta was made in the name of Sambanda Mudaliar and his wife Karpagambal. Thereafter, new subdivisions effected in the name of other legal heirs of M.C.Sambanda Mudaliar. It was under the enjoyment of M.C.Sambanda Mudaliar till his life time as it is not covered under the Release Deed. One of his son viz., M.C.Nithyanandam and husband of late Amirthvalli, who is daughter of late Deivayanai Ammal @ Rani Ammal along with other legal heirs of Deivayanai Ammal @ Rani Ammal had



executed five registered sale deeds in favour of Industrial Gas and General Supplies from 19.02.1981 to 05.03.1981. Out of total extent of 7.78 acres comprised in Survey No.1/1C/1 part, through five sale deeds, 7.50 acres was sold and they have retained 0.28 cents. But suppressing all the five sale deeds, again they have executed a registered four sale deeds in favour of one A.Rajeshwari, A.Sree Latha and A.Sreedevi for a total extent of 4.18 acres. The purchasers are none other than renowned Actor Sreedevi and her mother and her younger sister through four sale deeds, but their vendors have no right and title on the date of alleged sale deeds, since they have already conveyed the said properties in favour of Industrial Gas and General Supplies in the year 1981 and they have played fraud by selling those properties. Therefore, the said Sreedevi and her family members are not bonafide purchasers. Though the earlier sale of the year 1981 was reflected in the encumbrance, they have not verified, so they are not bonafide purchasers and in order to grab the property, they have purchased the properties through four sale deeds. Subsequently, on the basis of four sale deeds, Sreedevi family executed a Release deed on 16.12.1992, however those sale deeds are also not valid and non-est in the eye of law. With the help of revenue officials, they have managed to obtain Patta No.10558 in the year 2023. All the four sale deeds are pertaining to Survey No.1/1C/1 Part, but by giving wrong survey numbers, they have obtained patta. They have also obtained patta for Survey No.1/1B, for which they are not entitled, but the Survey No.1/1B already recorded in the name of M.C.Sambanda Mudaliar and



his wife. The Survey No.1/1C/1 Part is totally different from the Survey No.1/1B. However, through the RTI application, it reiterated that the subdivisions 1/1A, 1/1B, 1/1C were part of Old Survey No.1/1C1 part. But, it is an incorrect information. Based on the patta, now the defendants 1 to 3 have made a false claim that in the year 2023, they have come to know about false documents created by Nithyanantham and Co. in favour of Actor Sreedevi and family in respect of Survey No.1.1B. In fact, the plaintiffs are claiming 1/5th share through their father late M.C.Chandrasekaran. The suit subject matter till this date is in common without being subject to any sort of division amongst the heirs of late M.C.Sambanda Mudaliar. So, they are common owners along with other co-sharers. Therefore, the cause of action arose in the year in the year 1943 onwards. Thereafter, 4.18 acres of land was sold in favour of Sreedevi and her family in the year 1992 and thereafter subsequent release deed, which came to their knowledge in the year 2023. Hence, they came forward with the suit seeking to declare the sale deeds as null and void and to allot 1/5th share in the suit property.

4.On receipt of summons, the revision petitioners/defendants 1 to 3 have filed the application to reject the plaint stating that the plaintiffs are not legal heirs of late M.C.Chandrasekaran and the same is not legally sustainable one due to their illegitimate status. When the first wife was alive, the alleged marriage said to have been conducted by M.C.Chandrasekaran with the 3rd



plaintiff as such is not legally valid marriage and the marriage claimed by the plaintiffs also *void ab initio* under the eye of law. Those facts were suppressed by the plaintiffs while approaching the court, which is amounting to fraud by vitiating the very foundation of their claim. So, on the very face of records, the relief claimed by the plaintiff as such is not legally sustainable or by the statute of limitation. To that effect, they have extracted the dates and events in paragraph 4 of their application. Further, they have also submitted that the 3rd plaintiff was already aware of the marriage of M.C.Chandrasekaran with the first wife M.C.Banumathi solemnised on 13.06.1957. Though they have no issues, their marriage was not dissolved by any Court of law. Suppressing all material facts, they have filed the present suit with the intent to mislead this court. Further, they would submit that as per the Release deed executed by M.C.Sambanda Mudaliar bearing Document No.3773/1960, he retained 2.70 acres in Survey No.1/1, which was subsequently mutated in the revenue records as newly subdivided Survey No.1/1B as such is false and fabricated one for the reason that as per the information provided under the RTI Act, the Deputy Tahsildar, Sholinganallur categorically stated that old Survey No.1/1C/1 Part was subdivided as 1/1A, 1/1B and 1/1C and not from Survey No.1/1 as alleged by the plaintiffs. The Government records concludes that the plaintiffs have approached the court with wrong information and on that basis, the suit as such is not sustainable one as there is no cause of action arose to file the suit. Further, they would also contend that none of the stakeholders raised any claims or



disputes in respect of 2.70 acres in Survey No.1/1B prior to the filing of the present suit. Furthermore, M.C.Chandrasekaran passed away on 29.05.1995 and

during his life time, he has not raised any claim or dispute regarding 2.70 acres.

The 3rd plaintiff also fully aware of the assets of late M.C.Chandrasekaran and she never asserted any claim or dispute over the subject property from the year 1995 onwards. Nearly about 80 years later, the suit was filed. Since because, the birth of the 1st plaintiff was claimed to be in the year 1977 and the alleged Release deed said to have executed by Sambanda Mudaliar in the year 1960, nearly after 80 years, they have filed the suit claiming the relief in respect of suit property as such is barred by limitation. On that ground, they have filed the application praying to reject the plaint as it is barred by limitation and it lacks any merit. Further, they would submit that 3rd plaintiff was only a live-in partner, they are not children of legally wedded wife of M.C.Chandrasekaran as such she has no valid claim and right over the suit property, thereby she has neither a proper nor a necessary party to the proceedings and her presence in the suit is legally untenable. So also, the plaintiffs are the illegitimate children of late M.C.Chandrasekaran, they were not parties to any of the aforementioned sale transactions nor they have any privity of contract with the concerned parties. So, they have no locus standi to claim any grievance arising from these transactions. Even assuming that if they have any dispute regarding the subject property, the objections ought to have been raised by Industrial Gas and General Supplies, who are the original purchaser, but the plaintiffs have no legal



standing or documentary proof to establish that the suit property in Survey No.1/1B ever belonged to late Sambanda Mudaliar, which cannot maintain the present suit. Further, they would submit that having remained inactive for over 44 years without any legal recourse, now the filing of the present suit for unlawful gain as such is clearly barred by limitation and they prayed to reject the plaint.

5. In support of their contentions, the revision petitioners have relied on the ratio laid down in the authority reported in **1997 (4) SCC 467** in the case of ***T.Arivanandam vs. T.V.Satyapal*** and also relied on the ratio laid down in the authority held in the case of ***Uma Devi and others vs. Sri Anand Kumar and others in a Special Leave Petition (Civil) No.2032 of 2025***. Further, they would submit that it is falsely stated that the defendants have obtained patta by fraudulently which is erroneous one. After verifying all the relevant title documents, the Tahsildar issued patta in accordance with due process confirming the defendants' lawful possession. Furthermore, the defendants have consistently paid the property tax and electricity charges, which had substantiated their lawful possession and ownership. Therefore, they contended that the entire cause of action was predicated on fictitious and delusional averments, rendering the plaint unsustainable in law. Even the plaintiffs have already filed a suit in C.S.No.253 of 2007 (O.A.No.361 of 2007), wherein they have claimed only 1/ 5th share in the family properties along with other family



members viz., 7th defendant, M.C.Rajeswari and M.C. Nithyanandam. This Court categorically rejected the plaintiffs claim and declined to recognise the plaintiffs as legal heirs of late M.C.Chandrasekaran. Even in that case, they have not pleaded any right in respect of suit property and the plaint also lacks of specific particulars with regard to the date when they became aware of the registered sale deeds or whether they had any prior knowledge on the sale deed, the plaintiffs have failed to make specific detail with regard to the same, without which, the present suit filed after 44 years as such is barred by limitation and even during the life time of M.C.Chandrasekaran, he has not challenged the sale deeds. Therefore, the suit as such is barred by limitation. On that ground, they prayed to reject the plaint. To that effect, they have relied on the ratio laid down in the authority reported in **2004 (11) SCC 168 para 19, 20** in the case of ***Shipping Corporation of India Ltd. vs. Machando Brothers and ors.*** and also relied on the ratio laid down in the authority reported in **2008 SCC Online Raj 530 para 15** in the case of ***Temple of Thakur Shri Mathuradassji vs. Shri Kanhaiyalal.***

6.The said application was objected by the respondents/plaintiffs 1 to 3 by filing their counter objections stating that the revision petitioners/defendants 1 to 3 themselves have admitted that M/s. Industrial Gas and General Supplies was the original purchaser. Therefore, they have not claimed that Sreedevi and her family members are the subsequent purchasers as the earlier purchaser has



not sold the property and even as per the release deed dated 24.03.1960 would clearly establishes that M.C.Sambanda Mudaliar has retained 49 acres for himself and executed a Release deed in respect of remaining properties in favour of his children. The Adangal extract pertaining to Fasli 1375 corresponding to the year 1965 would establish that Survey No.1/1B measuring 2.70 acres was registered in the name of M.C.Sambanda Mudaliar. Therefore, the contention of defendants that there is no documentary proof to show that the suit property belongs to M.C.Sambanda Mudaliar as such is untenable and also falsely stated that patta was obtained by unlawful means. Further, they have contended that they are the legitimate children of M.C.Chandrasekaran and their legitimacy should be decided only in the suit and not in the rejection of plaint. They have submitted that from the life time of M.C.Chandrasekaran, neither Sreedevi nor defendants 1 to 3 made any claim over the suit property on the basis of four sale deeds of the year 1988. Therefore, they prayed to dismiss the application as there is no sufficient cause of action arose.

7.On hearing both side submissions, the trial judge has framed points for consideration :-

“Whether the petition is to be allowed as prayed for”.

The plaintiffs came forward with the suit for the relief of declaration and other consequential relief. Besides, the defendants came forward with the application to reject the plaint. Moreover, there was a suit filed in C.S.No.253 of 2007,



wherein the plaintiffs claimed 1/5th share in the family properties, but it was rejected by this Court on 16.04.2009. However, the rejection of plaint either on the non-disclosure of cause of action or on the ground of law of limitation, the averments made in the plaint alone are relevant. With regard to the defence taken by the defendants in the written statement, there was a release deed executed in the year 1988 in favour of Industrial Gas and General Supplies and subsequently, on 19.04.1988, Nithyanantham and others have executed two sale deeds in favour of Sreedevi and her family members in respect of 4.18 acres in Survey No.1/1C/1 part, but in the plaint averments, it is stated that in the year 2023, the defendants 1 to 3 have obtained patta in respect of suit property based on the fabricated document created by Nithyanantham. Thereafter, they came to know about the alleged fraud. Therefore, from their knowledge in the middle of the year 2023, within three years, they have filed the suit. Hence, the plaintiffs have putforth a clear cause of action for filing the suit and the suit was filed well within the period of limitation. However, the said application was dismissed. Aggrieved over that, this Civil Revision Petition has been filed.

8.The learned counsel for revision petitioners/defendants 1 to 3 have claimed that the plaintiffs 1 to 3 are not the legitimate children through M.C.Chandrasekaran, to that effect, they have not produced any relevant documents to show that they are class-1 legal heirs of the said Chandrasekaran, without which, they are not entitled to proceed with the suit and the same would



be revealed from the plaint averments, but the trial court failed to appreciate the said aspect and failed to reject the plaint as such is erroneous one and liable to be set aside. Further, he would submit that already the plaintiffs' made a claim in respect of the property of M.C.Chandrasekaran and B.C.Bhanumathi in relation to other properties, which is situated in the city of Chennai, which was rejected by this court and the same was confirmed by the Supreme Court. Therefore, already their claim was not accepted. But, suppressing all those aspects, they have come forward with the suit. On that ground, the suit is not maintainable, but the court below failed to appreciate the same. Further, he would submit that the suit filed by the plaintiffs praying to cancel the sale deed executed in favour of Defendants 1 to 3, which was already rejected by the D.R.O., as they are not class-1 legal heirs of Chandrasekaran. Suppressing all the material facts, they have played a fraud upon the court and in order to gain unlawful gain, they came forward with the present suit against defendants 1 to 3 and to harass the lawful owners of the suit property. From the plaint averments itself, it would not derive any right to the respondents/plaintiffs to claim the relief of partition, but the trial court failed to appreciate the same and erroneously dismissed the application holding that plaintiffs have rightly proved the said suit as such is erroneous findings and liable to be set aside.

9.Heard and considered rival submissions made on either side and perused the materials available on record.



10. Considering all those points and it is the settled proposition, the Court has reject the plaint only based on the averments in the plaint. According to the plaint averments, the plaintiffs are claiming that they are the legal heirs of deceased one M.C. Chandrasekaran and M.C. Banumathi and also claimed that the said Chandrasekaran is having lawful right and title over the suit property. As the legal heirs of M.C. Chandrasekaran, they have claimed 1/5th share in the suit property against the defendants 1 to 3 and also prayed to declare the sale deeds standing in the name of Sreedevi as such is not valid and not binding on them and she died leaving the defendants 1 to 3. According to Revision Petitioners/defendants 1 to 3, the plaintiffs are not class-1 legal heirs of Chandrasekaran. In order to establish the same, on the side of revision petitioners/defendants 1 to 3, they have produced the death certificate of Chandrasekaran dated 29.05.1995, which shows that the said Chandrasekaran died on 29.05.1995, which was not denied by the plaintiffs 1 to 3. They have also produced the death certificate of Bhanumathi dated 24.06.1998. On perusal of the same, it reflects that on 25.06.1998 Bhanumathi, wife of Chandrasekaran died. According to the revision petitioners, on the death of the said Chandrasekaran, his legal heir was M.C. Banumathi and not the plaintiffs. But, on seeing the plaint averments, the plaintiffs have not shown M.C. Banumathi as wife of Chandrasekaran and even in the genealogy tree, which is shown as para 3 of the plaint, they have contended that they are the children of the said



Chandrasekaran, who died on 29.05.1995. Admittedly, when the suit was filed in January 2025, in the month of October 2025, there was an enquiry conducted by Revenue Divisional Officer, Chennai. Inspite of objections given by the 1st defendant to cancel the legal heir certificate standing in the name of plaintiffs, wherein they have conducted the enquiry and before the said enquiry, the plaintiffs and defendants appeared through their advocates and submitted their records. Before the revenue officials, they have contended that Chandrasekaran has not begotten any children through his first wife Banumathi and she voluntarily left the ancestral house after customary divorce and also further contend that thereafter, Chandrasekaran married the 3rd plaintiff Chandrabhanu in the year 1975 and begotten the children, plaintiffs 1 and 2. Based on the customary divorce, according to the plaintiffs, Banumathi has left the matrimonial home. So, they were aware that Banumathi is his first wife, but in the entire plaint averments, they have not disclosed about the first marriage of Banumathi and Chandrasekaran. So, suppressing all those aspects, they came forward with the plaint. When the Chandrasekaran died, Banumathi was alive and thereafter, in the year 1998 she died. On perusal of legal heir certificate, the plaintiffs claimed themselves as only legal heirs of Chandrasekaran and obtained the certifice on 21.06.2005 as such is erroneous one and the same was as on date cancelled. So, the legitimate claim made by the plaintiffs is that they are legal heirs of deceased Chandrasekaran is also not sustainable in law and as rightly pointed by the defendants 1 to 3, the plaintiffs are not coming under the



class-1 heirs as per Sec.8 of Hindu Succession Act. Furthermore, the sale deeds, which are under challenge is of the year 1988. The plaint averments disclosed that sale deed stands in the name of Sreedevi and her legal heirs, who are defendants 1 to 3 have claimed right over the suit property based on the sale deeds dated 19.04.1988 executed by Nithyanandam, who is one of the brother of the said Chandrasekaran. Admittedly, the said Nithyanandam is not having any legal heirs according to the genealogy tree submitted by the plaintiffs. So, in the year 1988 itself he sold the property, which was not challenged by the said M.C.Chandrasekaran, who is his brother till his life time of the year 1995 as per the averment made in the plaint. Since the plaintiffs are not class-1 legal heirs of M.C.Chandrasekaran, they have no locus standi to proceed with the suit.

11. Furthermore, it is totally unbelievable that they came to know about the said purchase in the name of Sreedevi only in the year 2023 also is not acceptable for the reason that the suit property is contained with bungalow as per the boundary in the sale deed and by random, they have described the property as Survey No.1/1B without correlating the document that it is related to subdivision 1/1C1. As on date, patta stands in the name of defendants 1 to 3 is also confirmed by the revenue officials. Eversince 1988 onwards, the sale deeds are in favour of Sreedevi and after her death, the defendants 1 to 3 are lawful owners of the property. But nearly about 40 years later, the plaintiffs came forward with the suit to declare those sale deeds as null and void as such



is clearly barred by limitation for the reason that they have no right on the date on which they came to know about the fact that the patta stands in the name of defendants 1 to 3 in the year 2023. If it is a false document, they ought to have approached the court in the year 1988 itself. But nearly about 40 years later, they came forward with the suit to declare the sale deeds as such is barred by limitation on the basis of records. Moreover, the cause of action pleaded by the plaintiffs has not been sustained with the pleadings. With specific four boundaries, the defendants have purchased the suit property. But, the schedule was shown as common enjoyment without any boundaries as such is erroneous one, since the properties are purchased with four boundaries by defendants 1 to 3. Therefore, the suit property as described in the plaint schedule prima facie is not correct one. As there is no prima facie proof that ever since from 1960 onwards, M.C.Sambanda Mudaliar was in enjoyment and possession of property and thereafter, his legal heirs are in possession and enjoyment of the suit property. Without any such records, they came forward with the suit as such is totally barred by limitation and the alleged cause of action is also illusory one. Therefore, the plaint ought to have been rejected on the basis of records, but the trial court failed to appreciate the said aspect. To that effect, the learned counsel for revision petitioners referred the ratio laid down in the authority held by the Apex Court in ***Civil Appeal No.5131 of 2025 (Arising out of SLP (C) No.36 of 2021)*** in the case of ***R.Nagaraj (dead), through Lrs and another vs. Rajamani and others***, wherein in para 23, it has been held as follows :-



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“23. As already indicated above, the concurrent findings of the courts below were sought to be challenged before the High Court. It is a general rule that High Court will not interfere with the concurrent findings of the Courts below. In the present case, both the trial court and the first appellate court, after detailed analysis of the oral and documentary evidence let-in by the parties, categorically held that the suit was hopelessly barred by limitation. We also find that the evidence produced would abundantly make it clear that Dasappa Gowdar and thereafter, Respondent No.1 to 3 were well aware of the earlier proceedings and the decree passed in the first suit. The auction purchaser’s title was confirmed by the court orders and subsequent transfers were properly registered and recorded. Therefore, Respondent Nos.1 to 3, who have knowingly slept over their right to challenge the sale and allowed further rights to flow, cannot later question the sale of larger extent of share in a unpartitioned property. We also do not find any plausible reasons for delay. It is reiterated at this juncture that limitation is a nature of statute and must be strictly enforced, more so, when the earlier transaction or sale is well within the knowledge of the parties. This principle assumes greater significance in the present case, where the delay extends to seventeen years for filing the suit, despite the fact that they were arrayed as respondents/judgment debtors in the execution proceedings. Furthermore, the protection of bona fide purchasers for value is a significant consideration and any disturbance to their rights or titles after such a long period, would create uncertainty in property transactions and undermine the sanctity of court sale. Therefore, we are of the view that the High Court was not justified in remanding the matter to the trial court for fresh trial solely with respect to the issue of limitation and that the courts below have rightly



held that the suit was barred by limitation and Respondent Nos.1 to 3 are not entitled for any relief.”

12.The learned counsel for revision petitioners also referred to the ratio laid down in the authority held by the Apex Court in ***Civil Appeal No..... of 2025 (arising out of SLP (C) No.13459 of 2024)*** in the case of ***Nikhila Divyang Mehta and another vs. Hitesh P.Sanghvi and others***, wherein in para 25, it has been held as follows :-

“25. Section 3 of the Act contemplates that every suit instituted after the period prescribed under the Act shall be dismissed even if limitation has not been set up as a defence. The aforesaid provision is of a mandatory nature and cannot be ignored by the courts even if not pleaded or argued by the defence. It is obligatory upon the court to dismiss the suit if it is, on the fact of it, barred by limitation. The aforesaid provision has been enacted for public good and to give quietus to a remedy after lapse of a particular period, as a matter of public policy, though without extinguishing the right in certain cases. Therefore, once a limitation prescribed for instituting a cause of action expires and even if limitation is not set up as a defence, it obliges the court to dismiss the suit as barred by limitation.”

13.The learned counsel for revision petitioners further referred to the ratio laid down in the authority held by the Apex Court in ***Civil Appeal No.5200 of 2025 (arising out of SLP (C) No.13679 of 2022)*** in the case of ***The Correspondence, RBANMS Educational Institution vs. B.Gunashekar and another***, wherein in para 17, it has been held as follows :-



“17. At the same time, we are conscious of principle that only averments in the plaint are to be considered under Order VII Rule 11 CPC. While it is true that the defendant’s defence is not to be considered at this stage, this does not mean that the court must accept patently untenable claims or shut its eyes to settled principles of law and put the parties to trial, even in cases which are barred and the cause of action is fictitious. In T.Arivandandum (supra), this court emphasized that where the plaint is manifestly vexatious and meritless, courts should exercise their power under Order VII Rule 11 CPC and not waste judicial time on matters that are legally barred and frivolous. The present case falls squarely within this principle.”

In this decision, it was observed that when the plaint is manifestly vexatious and meritless, the plaint ought to have been rejected under Order VII Rule 11 of CPC and not based on usual terms and also not waste judicial time on matters that are legally barred and frivolous. Moreover, the ratio laid down in the aforesaid authorities are totally applicable to the facts of present case and on the face of it, the suit is barred by limitation. Therefore, the trial court ought to have dismissed the suit, instead of that, dismissed the application filed to reject the plaint as such is erroneous one.

14. It is brought to the knowledge of this court that at the earlier occasion, the plaintiffs have filed the suit in C.S.No. 253 of 2007 claiming the relief of partition claiming 1/5th share in the suit property and the same was dismissed by this court, wherein the plaintiffs claimed themselves as legal heirs of the said



Chandrasekaran. In that suit also, there was an observation that wife of Chandrasekaran died on 24.06.1998 and subsequently, their claim over the property has not been accepted. Wherein it was also observed that M.C.Chandrasekaran himself has no right over the property of partnership firm, since he has not raised any objection, therefore, the plaintiffs claim has not been accepted, since they have approached the court nearly about 40 years after the dissolution of partnership firm on 10.04.1975. Therefore, in the earlier occasion, the plaintiffs also prayed the relief of partition in different property, but now they came forward with the present suit only with regard to the purchase made by Sreedevi and her family members in the year 1988, not against other purchasers. Only to grab the property, with vexatious claim, by abusing process of law they came forward with the present suit for the relief of partition, which is not permissible under law and on the face of record, it came to light that they came forward with the suit claiming right over the suit property, which is barred by limitation and the alleged cause of action is not sustainable one. On that grounds, the plaint is liable to be rejected and the findings of the trial judge is liable to be set aside. Accordingly, the findings rendered in I.A.No.3 of 2025 in O.S.No.29 of 2025 by the Additional District Judge, Chengalpattu is set aside and this Civil Revision Petition is allowed. Both parties shall bear their own cost. Plaint is ordered to be rejected. Consequently, connected civil miscellaneous petition is closed.

20-04-2026



Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Additional District Judge, Chengalpattu.



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T.V.THAMILSELVI J.

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**CRP No. 227 of 2026
AND
CMP NO. 1088 OF 2026**

20-04-2026