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C.R.P.No.407 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.06.2026

DELIVERED ON :12.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.407 of 2026

and

C.M.P.No.4766 of 2026

D.Mohanraj

... Petitioner

Vs.

1.D.Koteeswaran

2.D.Vaithilingam

3.Ravi

4.Anandhan

5.A.Chandra

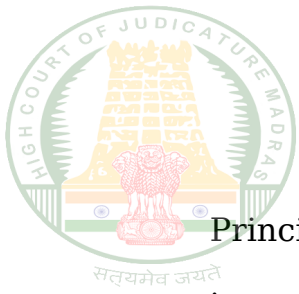
6.Ravi

7.Govindan

... Respondents

*[7th respondent is impleaded vide order of this Court
dated .06.2026]*

PRAYER: Civil Revision Petition filed under Article 115 of the Constitution of India, praying to set aside the order dated 19th December 2025, in unnumbered O.S.No. /2025 on the file of Principal District Court, Puducherry and direct the learned



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Principal District Judge, Puducherry, to number the suit and decide it on merits.

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For Appellants : Ms.Gopika Nambiar
for Ms.R.Vaishnavi Sri
For Respondent No.1 : Mrs.R.Renuka Devi
For Respondent No.6 : Mr.E.V.Chandru
For implead petitioner : Mr.Sreedhar Ramanadana
for Mr.K.Ramu

ORDER

By order dated 30.01.2026, after hearing the learned Counsel for the petitioner, I had allowed the Civil Revision Petition and directed the learned Principal District Judge, Puducherry, to number the suit filed by the revision petitioner in O.S.No.Nil of 2025, after setting aside the order of rejection of the plaint. In the said order, I had also granted leave to the defendants to raise the plea of limitation and invoke provisions of Order 7 Rule 11 of CPC. Thereafter, the matter was mentioned at the instance of Mr.E.V.Chandru, learned Counsel for the sixth respondent, stating that despite a caveat being entered, his name was not printed and hence, I re-called the order dated 30.01.2026.

2.In view of the above, with the consent of the learned Counsel for the petitioner, it was agreed that the revision would be

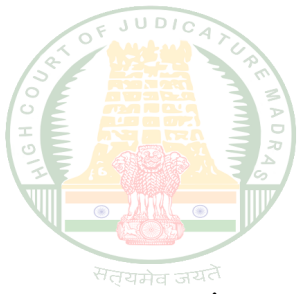


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reargued afresh. Thereafter, an application for impleadment was taken out in C.M.P.[MD]No.4766 of 2026, by one Govindan, contending that the revision petitioner has suppressed material facts and further stating that he has not signed any sale agreement on 01.10.2010 and he has only signed an agreement on 26.10.2025, which was also believing the words of the revision petitioner. He has therefore, sought to implead himself in the revision. No serious objection was raised by either of the contesting parties for allowing the said impleading application. Consequently, C.M.P.No.4766 of 2026 is allowed. The CMP petitioner Govindhan is impleaded as 7th respondent in this Civil Revision Petition.

3.Today, I have heard Ms.Gopika Nambiar for Ms.R.Vaishnavi Sri, learned Counsel for the revision petitioner, Ms.Renuka Devi, learned Counsel for the first respondent, Mr.E.V.Chandru, learned Counsel for the 6th respondent, and Mr.Sreedhar Ramanadana, for the newly impleaded 7th respondent.

4.As already referred hereinabove, initially after hearing the learned Counsel for the petitioner alone, I proceeded to allow the present Civil Revision Petition. However, multi-fold objections has been taken to the revision by Mr.E.V.Chandru, learned Counsel for the sixth respondent. His submissions, in short, are as follows:



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1) The revision petition challenging the rejection of the plaint is not maintainable and there is an effective alternate remedy available by way of appeal.

2) The revision petitioner has suppressed material facts especially the factum of an opportunity having been afforded to the petitioner for advancing arguments on the maintainability of the suit.

3) The learned Principal District Judge has passed a considered order, after taking into account the submissions made on behalf of the revision petitioner and also addressing the decisions that have been relied on by the learned Counsel for the petitioner.

5. In support of his submissions, Mr.E.V.Chandru, has relied on the following decisions.

i) K.S.Geetha Vs. Stanleybuck and another, reported in 2002 (3) CTC 477;

ii) Paruchuru Thirumala Satyanarayanacharyulu and another Vs. Vannava Ramalingam and others, reported in AIR 1952 Mad 86;

iii) Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited represented through its Project Director, reported in (2021) 4 CTC 539;



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iv) *T.Aravindandam Vs. T.V.Satyapal and another,*
reported in AIR 1977 SC 2421;

v) *Madanuri Sri Rama Chandra Murthy Vs. Syed Jalal,*
reported in 2017 (13) SCC 174;

vi) *Dahiben Vs. Arvindbhai Kalyanji Bhanusali (Gajra)*
(D) through LRs and others, reported in 2020 (7) SCC 366.

vii) *Saleem Bhai and others Vs. State of Maharashtra*
and others, reported in (2003) 1 SCC 557.

viii) *MITC Rolling Mills Private Limited and another Vs.*
M/s.Renuka Raltors and others, reported in 2025 Live Law
(SC) 1085.

6.Ms.Gopika Nambiar, learned Counsel appearing for the revision petitioner, meeting the arguments of Mr.E.V.Chandru, learned Counsel for the sixth respondent would state that the revision petitioner has categorically asserted that he was not given any opportunity to advance oral arguments, after the matter was posted for hearing in the open court on the maintainability of the suit. She would further contend that the learned Judge has only relied on the decisions which were filed even at the time of re-presentation of the plaint and therefore, reference to the



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decisions would not imply that the learned Counsel for the petitioner was heard before the order of rejection of the plaint came to be passed.

7.Ms.Gopika Nambiar, would further contend that the learned Principal District Judge, has also not rejected the plaint on any of the grounds under Order VII Rule 11 sub-clause (a) to (d) of CPC, but given findings as if the plaintiff has played fraud, without even giving any opportunity to the revision petitioner to lead evidence, leave alone testing the veracity of such evidence before rendering any findings.

8.In support of her submissions, Ms.Gopika Nambiar, relied on the following decisions:

i) Hindustan Petroleum Corporation Limited Vs. C.M.Hariraj, reported in (2002) 3 LW 476;

ii) Selvaraj Vs. Koodankulam Nuclear Power Plant, reported in 2021 SCC Online Mad 2514;

iii) Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil, reported in (2010) 8 SCC 329;

iv) Girish Kumar Sunjea Vs. Central Bureau of Investigation, reported in (2017) 14 SCC 809;



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v) *P.K.Palanisamy Vs. N.Arumugham and another,*

reported in (2009) 9 SCC 173;

vi) *Government of Tamil Nadu Vs. Poonusamy,* reported

in 2026 SCC Online Mad 767.

9. Learned Counsel appearing for the first respondent as well as the newly impleaded 7th respondent would state that they were not heard before the impugned order of rejection of the plaint was passed and this Court may reserve liberty to these respondents to make their submissions in the event of this Court passing any further directions, especially, allowing the revision and setting aside the order of rejection of the plaint.

10. I have paid my anxious and careful consideration to the submissions on all sides and I have also gone through the records.

11. The revision petitioner, as plaintiff has filed a suit on 04.11.2025. The same has been returned on 05.11.2025, for compliance. One of the returns was as to how the suit was in time and not barred by limitation. The plaint has been re-presented on 05.11.2025. It appears that the plaint has again been returned and once again re-presented by the learned Counsel for the plaintiff, with an endorsement which reads as follows:

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“The counsel on record has made an endorsement that the plaint may be placed before the open court for orders please.”

12.The Registry has placed the suit papers to the learned Principal District Judge, noting the fact that the learned Counsel on record has made an endorsement that the plaint may be placed before the open Court. The learned Principal District Judge has also directed the matter to be called in open court on 24.11.2025, to hear the learned Counsel for the petitioner on the question of limitation. On 24.11.2025, learned Principal District Judge has made an endorsement as follow:

“Heard. Orders by 18.12.2025.”

13.On 18.12.2025, since Judge was on leave, the matter was called on 19.12.2025. On 19.12.2025, learned Principal District Judge has passed the impugned order, which is challenged in the present Civil Revision Petition, rejecting the plaint.

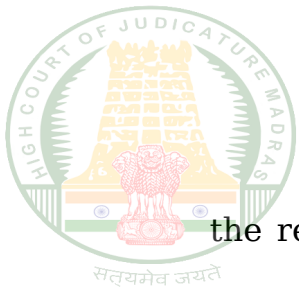
14.No doubt, as rightly contended by Mr.E.V.Chandru, an order passed under Order VII Rule 11 of CPC, rejecting the plaint is appealable under the provisions of the Code, CPC. Hence, normally,



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a revision petition challenging any such order will not be entertained by this Court. However, there are exceptions to this general rule. When there has been a deprivation of fair opportunity to the party concerned, certainly this Court can invoke the extraordinary jurisdiction under Article 227 of the Constitution of India and interfere to ensure that principles of natural justice are met. The specific plea of the revision petitioner is that though the matter was requested to be called in open court and the request was also acceded to, thereafter, no oral arguments were advanced and orders came to be passed based on the decisions that have been placed before the learned Principal District Judge, at the time of re-presentation of the plaint, even in November 2025.

15.In this connection, Mr.E.V.Chandru, has taken me through the points of arguments submitted by the learned Counsel for the plaintiff for numbering the suit. The same has been filed on 24.11.2025. The seal of the Court evidences the same. Relying on the said points of arguments, Mr.E.V.Chandru, would contend that it is on the very same day, the learned Principal District Judge has made the endorsement “heard” and in such circumstances, the petitioner has suppressed a material fact from this Court, as if no opportunity was given. He would therefore, state that in the facts of the present case, the exception cannot be invoked to entertain



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the revision petition. Though Mr.E.V.Chandru, would also advance arguments on the merits of the plaint allegations and averments to contend that the plaintiff is abusing the process of Court and that he has approached the Court beyond time and that the plaint is hopelessly barred by limitation, considering the scope of the revision petition, I am not inclined to go into the merits of the maintainability of the suit at this juncture.

16.The only issue that remains to be seen is whether the revision petitioner was given a fair and adequate opportunity before the impugned order of rejection of the plaint came to be passed. No doubt, from the endorsement made by the learned Principal District Judge, it appears *prima facie* that the petitioner was heard on 24.11.2025. The fact that the 'points for arguments' was also filed before the Principal District Judge on the same day, which is evidenced by the official seal also probablises the same as well. However, the learned Counsel for the plaintiff before the Trial Court appeared in person before me during the course of hearing of the revision on previous occasions and he has also filed a sworn affidavit stating that though the matter was called in open court on 24.11.2025, and when he was about to advance arguments, the sixth defendant who is a practicing Advocate who has incidentally purchased the suit property made a hue and cry and resultantly,

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the learned Counsel for the plaintiff was not allowed to make his submissions. Paragraph Nos.7 and 8 of the affidavit of the said learned Counsel for the plaintiff is extracted hereunder:

“7.I solemnly affirm and state that though the matter was called in open court on 24.11.2025, there was no hearing as indicated in the Docket order made on 24.11.2025. Since the 6th respondent made a hue and cry and created a scene in the open Court, the Learned District Judge abruptly concluded the proceedings. Even though in the Docket order dated 24.11.2025, there is an endorsement made by the Learned Judge to the effect that “Heard”, there was no hearing at all. I was not given an opportunity to make oral submissions on account of the interference of the 6th respondent in the judicial proceedings.

8.I submit that without affording me an opportunity of oral hearing, the learned Trial Court rejected the plaint by order dated 19.12.2025 without numbering the suit, rendering findings touching upon the question of limitation. The learned District Judge has also rendered a finding with respect to the merits of the matter, while rejecting the plaint and that too without affording a reasonable opportunity to me to advance oral submissions with regard to maintainability and limitation.”



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17. In view of the contradictory claims made on either side, I have to necessarily fall back on the impugned order passed by the learned Principal District Judge. The order starts with extract of the relief sought for by the respective petitioner against the respondents / defendants. At paragraph No.2, learned Judge has stated as follows:

"2.The registry has returned the plaint questioning the maintainability of the suit on the ground of limitation. The counsel for the plaintiff has represented the plaint stating that the plaintiff had knowledge about the refusal of the 1st defendant to execute a sale deed came to him on 23.09.2025. Further, the 6th defendant claimed right under the sale deed dated 04.09.2025. He also cited the following judgments"

1.Panchanan Dhara v. Monmatha Nath Maity – Hon'ble Supreme Court.

2.Urvashiben v. Krishnakant Manuprasad Trivedi is a 2018 Indian Supreme Court – Supreme Court.

3.K.Sankar vs. V.Veer Raghavalu and Others is Civil Revision Petition (CR.PD.No.2880 of 2018, by Hon'ble Justice G.K.Ilanthiraiyan – MHC.

4.S.Brahmanand v. K.R.Muthugopal (2005) 12 SC.C. Page. 764.



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18. Thereafter, learned Judge proceeds to consider whether the suit is maintainable and after recording certain material facts, the learned Judge at paragraph No.4 of the order, has stated as follows:

“4.It is pertinent to note that the property already sold to defendants 2 to 5 on 19.12.2014. But, the 1st defendant stated to have received various amount even after the sale of the property to the defendants 2 to 5. The plaintiff pleads ignorance about the sale to the defendants 2 to 5 by the 1st defendant and the sale to the 6th defendant by the defendants 2 to 5. On the face of the plaint, it could be seen that the unregistered sale agreement is prepared only to defeat and defraud the defendants 2 to 6. The plaintiff was not willing to get the sale deed registered for the past 15 years. The condition imposed in the unregistered sale deed is to pay the balance sale consideration and to get the sale deed registered after cancelling the earlier agreement of sale with one Ravikumar. This task was completed even in the year 2013. The plaintiff never paid the entire balance sale consideration and to get the sale deed registered. The present suit is an arm twist to bring the defendants 2 to 6 in line with the



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terms of the plaintiff and the 1st defendant. The judgments relied upon by the plaintiff was carefully considered. No quarrel in the principles laid down in the above reported judgments. The plaintiff and the 1st defendant have joined together and created an unregistered sale agreement utilizing a old stamp paper dated 30.06.2009 to prepare the dispute sale agreement on 01.10.2010. This Court is aware that the limitation is a mixed question of law and fact. Under Section 3 of the Limitation Act the duty cast upon the Court to see whether the suit filed by the plaintiff is within time. On the face of the record the plaint is barred by limitation. Hence, the plaint is rejected."

19.From the extracts and the impugned order passed by the learned Principal District Judge, it is clearly seen that there is absolutely no indication of arguments having been advanced by the learned Counsel for the plaintiff, after the matter was called in open court. The order proceeds only based on the compliance effected subsequent to the return of the plaint, enclosing certain authorities, which alone have been referred to. If really oral arguments were advanced by the learned Counsel for the plaintiff, the learned Principal District Judge would have certainly recorded



the said arguments in the impugned order. There is no whisper or reference about the same and as already seen from the above relevant portions of the order extracted, the order appears to have been passed only based on the re-presentation of the plaint and the 4 decisions that were relied on even at the time of re-presentation of the plaint.

20.In the memorandum of grounds of revision, the following specific ground has been raised by the revision petitioner:

“12.The Learned Judge erred in passing the impugned order without afording any opportunity tot he counsel for the plaintiff to advance oral argments in open court and rejected the plaint in the numbering stage itself by conducting a mini trial discussing the merits of the case and prejudging the role of the plaintiff and the Defendant No.1”

21.There was no occasion for the petitioner to have elaborated on the said ground No.12, since initially the revision was allowed at the stage of admission. However, subsequently, by filing a sworn affidavit, the learned Counsel has also narrated as to what actually transpired on 24.11.2025, in the affidavit dated 24.02.2026. No doubt, as rightly contended by Mr.E.V.Chandru,



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these facts were not initially placed at the time of filing of the revision but have been brought to the notice of the Court only after sixth respondent has objected and brought to light alleged suppression of material facts.

22.Ground No.12, on being carefully gone through only indicates that the learned Counsel for the plaintiff / revision petitioner was not given an opportunity to advance oral arguments in open Court. It does not indicate that the matter was not called on 24.11.2025 in open court. Therefore, I do not see any material suppression having been made on the side of the revision petitioner. For the foregoing discussion, it appears to be quite clear that no oral arguments were advanced on 24.11.2025, despite the matter being called in open court. Thus, there is clear deprivation of a fair opportunity for the petitioner to advance oral submissions with regard to the maintainability of the suit, especially on the ground of limitation.

23.Even otherwise, as rightly contended by Ms.Gopika Nambiar, learned Principal District Judge has rendered findings as if the plaintiff has colluded with the first defendant and brought about an unregistered sale agreement, utilising an old stamp paper dated 30.06.2005 and fraudulently prepared the disputed sale



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agreement dated 01.10.2005. Such findings could not have been rendered without any evidence being let in by the parties. In fact, the learned Judge has rightly observed that limitation is a mixed question of law and fact. However, despite recording such observation, learned Principal District Judge proceeds to hold that on the face of the record, the plaint is barred by limitation. Reasons are also not elaborated as to why the plaint is barred by limitation.

24. Though decisions have been relied on by Mr.E.V.Chandru, with regard to the fact that even at the pre-registration stage, the Court is empowered to invoke the provisions of Order VII Rule 11 of CPC and even in the decision in ***Selvaraj's*** case, which had been relied on by me while passing the order originally on 30.01.2026, this Court has held that it is not improper for the Court to reject the plaint at the pre-registration stage, in the very same decision, this Court has carved out a tabular column at paragraph No.53, which deals with maintainability [limitation] and held that what is permissible during scrutiny of the plaint at the pre-registration stage is only whether a suit is ex-facie barred by limitation and for said purposes, only the allegation in the plaint should be the basis. This Court has further held that where the plaintiff pleads examination under the law of limitation under Order VII Rule 11 of CPC, this should be left to be tested post registration of the suit at



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the appropriate stage. At the same breadth, this Court has also held that newer or clarificatory material or proof of any fact pertaining to limitation should not be insisted and it is not permissible at the pre-registration stage.

25.Order VII Rule 6 of CPC deals with grounds of examination from limitation law. A plaintiff is entitled to institute a suit after the expiration of the period of limitation, provided the plaint states the ground upon which such examination is claimed and the Court is required to permit the plaintiff, additionally the Court is also entitled to permit the plaintiff to claim exemption from the law of limitation on any ground not set out in plaint, as long as such ground is not inconsistent with the grounds set out in the plaint. In the instant case, in the plaint, the plaintiff has endeavoured to claim exemption from the law of limitation. I find at page No.11 of the plaint that the plaintiff has specifically alleged and claimed that he had knowledge of the illegal transfer by D1 to D4, D4 to D5 and D5 to D6, only on 25.10.2025 and therefore, the suit is within the period of limitation, ie., from the date of knowledge on 25.10.2025.

26.The impugned order does not even speak about the said averments made in the plaint seeking exemption and on the



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contrary, as already set out hereinabove, the Trial Court proceeds to render findings as if there has been collusion between the plaintiff and the first defendant and an agreement has been fabricated misusing old stamp papers. Such findings are clearly perverse and unwarranted and uncalled for at the re-registration stage. Such finding can be given only after the parties lead oral and documentary evidence and not at the stage of considering the plaint for numbering.

27. This Court in *Hindustan Petroleum Corporation Ltd's* case, held that High Court, exercising powers under Article 227 of the Constitution of India, has power of superintendence and when there is flagrant violation of law, or error apparent on the face, or an erroneous decision of law, then this Court can certainly exercise the extraordinary power under Article 227 of the Constitution of India and choose to interfere. Apart from the above fact that the trial Court has proceeded to render factual findings without any evidence, I have already found that there is also deprivation of a fair opportunity to the learned Counsel for the plaintiff, who had not advanced oral arguments, despite the matter being called in open court, at the request of the learned Counsel for the plaintiff. For this, I need not traverse beyond the impugned order which does not indicate or refer to any oral arguments that were

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advanced on the side of the revision petitioner. This clearly fortifies Ground No.12 in the memorandum of grounds of the revision petition. Therefore, apart from the flagrant error committed by the learned Trial Judge on the face of the record, as discussed above and coupled with the fact that principles of natural justice have also not been adhered to, I am inclined to allow the revision, as the case clearly falls within the exceptional category and the petitioner need not be driven to file a regular appeal, challenging the rejection of the plaint.

28.The Hon'ble Supreme Court in *P.K.Palanisamy's* case has held that at the pre-registration stage, the defendants cannot be given any opportunity. I therefore, reserve liberty to the defendants to seek rejection of the plaint, after it is numbered.

29.In the light of the above, this Civil Revision Petition is allowed and the order dated 19.12.2025 in O.S.No.Nil of 2025, passed by the learned Principal District Judge, Pondicherry, is set aside. The trial Court shall proceed to number the plaint in O.S.No.Nil of 2025. The Registry shall return the original plaint to the learned Counsel for the revision petitioner, to enable re-presentation before the trial Court within a period of two [2] weeks from the date of receipt of the order copy / the original

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plaint, which ever is later. Thereafter, within a period of two [2] weeks, the plaint shall be numbered. It is open to any of the defendants to move an appropriate application seeking rejection of the plaint under any of the limbs of Order VII Rule 11 of CPC, as they may be advised. If any such application is filed, the Trial Court shall endeavour to dispose of the same within a period of two [2] months preferably, from the date of completion of pleadings in the said application. There shall be no order as to costs. C.M.P.No.4766 of 2026 is allowed.

12.06.2026

Index : Yes
NCC : Yes
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To

1.The Principal District Judge,
Puducherry.

2.The Section Officer,
VR Section,
Madras High Court,
Madras.



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P.B.BALAIL, J.

MR

PRE-DELIVERY ORDER MADE IN

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12.06.2026