



CRP No. 2031 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2031 of 2026
and CMP No.9029 of 2026**

1. Vasantha Manoharan,
W/o.A.Manoharan, New No.8, Old No.1,
South Avenue, Sri Nagar Colony, Saidapet,
Chennai -600 015.

Petitioner(s)

Vs

1. K.Renuka,
D/o.Late Krishnasamy Pillai, Subramaniam
Salai, West Saidapet, Chennai -15.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.4 of 2020 in O.S.No.5640 of 2019 on the file of XVIII Assistant Judge, City Civil Court, Chennai on 15.12.2025.

For Petitioner(s): N.P.Kumar

For Respondent:

ORDER

Challenging the order passed in I.A.No.4 of 2020 in O.S.No.5640 of 2019, the



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second defendant has filed the above revision.

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2. Before the trial Court, the 2nd defendant has filed an application in I.A.No.4 of 2020 under Order VII Rule 11 of Civil Procedure Code to reject the plaint stating that the respondent/plaintiff has not properly valued the suit and has not added necessary parties and also stated that the relief sought for by the plaintiff in respect of cancellation of partition deed, as such, has not been filed within a period of three years from the date of execution of the partition deed i.e from 2013 and after six years they came forward by filing a suit and and hence is it barred by limitation and therefore, on all these grounds, they wanted to reject the plaint.

3. The application was objected by the plaintiff stating that the alleged partition deed relied on by the defendants 1 and 2 is a fabricated record which would not bind the plaintiff's title over the property and she traced the title from 1960 onwards.

4. After considering all the submissions, the trial Court has elaborately discussed and held that if court fee has not been properly valued, it is a curable defect and if parties are not added the defendants are entitled to raise plea of non-joinder of necessary parties and with regard to notice under 80(1) of Civil Procedure code, the trial



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judge held that plaintiff filed application under Section 151 of Civil Procedure Code and quoting the wrong provision is not a ground for rejecting the plaint and therefore the plea of the revision petitioner/2nd defendant that the plaint shall be rejected on the ground that the statutory notice has not been issued to the other defendants under Section 80(1) of Civil Procedure Code is not a tenable one.

5. With regard to the delay in filing the suit, the trial Court held that the question of limitation is a mixed question of law and it is to be decided only during the course of trial and it cannot be decided summarily. Aggrieved over the same, the 2nd defendant has preferred the above revision.

6. The learned counsel for the petitioner/2nd defendant submits that the suit property does not belong to the respondent/plaintiff and no relevant document has been produced to prove that the suit property belongs to the respondent/plaintiff. The learned counsel for the revision petitioner also submits that the defendants are enjoying the suit property from 1963 onwards under Document No.102/63, but wrongly mentioned as Document No.102/62. As on date, they are in possession of the property and therefore, they have filed an application, but, the trial court failed to consider all the above facts.



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7. On considering the submissions made by the revision petitioner/2nd defendant to reject the plaint, as rightly pointed out by the trial court all these grounds can be raised as a defence in the suit before the trial court. Moreover, their document number also not correct one. Therefore, the reasons assigned by the trial court does not require any interference.

8. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Liberty is granted to the revision petitioner to file written statement and on such filing, the trial court is directed to dispose of the suit on merits and in accordance with law within a period of five months from the date of filing of the written statement.

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking order

To

The XVIII Assistant City Civil Court, Chennai

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