



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

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

CRP No. 1752 of 2024

AND

CMP NO. 9199 OF 2024

1. Arockiaraj
S/o.Anthonysamy
2. Alfred Anto(Minor)
S/o.Arockiaraj, Rep.by his Mother and Natural
Guardian Deebika, Koovathur and Post,
Andimadam Taluk, Ariyalur District.

..Petitioner(s)

Vs

1. Mary Rosary
W/o.Anthonysamy, Koovathur and Post,
Andimadam Taluk, Ariyalur District.
2. The Sub Registrar
Main Road, Andimadam Taluk,
Ariyalur District.

..Respondent(s)

(Cause title accepted vide court order dated 15.04.2024 made in CMP No.8568 of 2024 in CRP Sr.No.39978 of 2024)

PRAYER : Civil Revision Petition is filed under Section 115 of CPC, to set aside the fair and decreetal order passed in I.A.No. 9 of 2023 in O.S. No. 77 of 2022 dated 27/02/2024 on the file of the Additional District Court, Ariyalur.



For Petitioner(s): Mr.S.Kamadevan

For Respondent(s): Mr.Usha Raman For R1

Mr.M.Murali
Government Advocate For R3

ORDER

Challenging the impugned order passed in I.A.No. 9 of 2023 in O.S. No. 77 of 2022 dated 27/02/2024 on the file of the Additional District Court, Ariyalur, the defendants 1 and 2 have preferred this revision petition.

2. The defendants 1 and 2 have filed an application before the trial court to reject the plaint stating that the suit property stands in the name of the first defendant, therefore, hit by Benami Transaction. On that basis they want to reject the plaint but the court below dismissed the application on the ground that the reason assigned to reject the plaint is not sustainable and both the plaintiffs and defendants claimed rival claim in respect of right and title of the property. Therefore, it requires a detailed evidence and the relief claimed and the reason for rejection of plaint also is beyond the scope of Order VII Rule 11 (d) and section 151 CPC. Therefore, the trial court dismissed the application. Aggrieved over the same, the defendants 1 and 2 have preferred this revision.



3. The learned counsel for the revision petitioners submits that on 12.07.2007 the first defendant and one Murugaiyan entered into Exchange Deed and this property now stands in the name of the first defendant, which is forming part of the suit property and in which the plaintiff has no right and title. Therefore, the continuation of the suit is vexatious one and therefore they prayed to reject the plaint as it is barred by law of Benami Transaction Act. But the court below failed to appreciate the said legal situation and dismissed the application.

4. On perusal of the record, it reveals that the defendants filed written statement by taking all the defence and now the trial also commenced. On the side of the plaintiff, PW1 was examined, ExA1 to Ex.A15 were marked. At this stage, this application was filed by the defendants to reject the plaint, however, they took a defence including the defence under the Benami Transaction Act. Since the trial has begun, the defendants are entitled to put forth all their defence before the trial court and since title is also under dispute, both the parties are directed to prove their claim through their evidence. Therefore, the reason assigned to reject the plaint as such is not sustainable. The findings of the trial court requires no interference. Since the trial has commenced, the trial court is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order.



5. Accordingly, this Civil Revision Petition is disposed of. No costs.

Consequently, the connected Civil Miscellaneous Petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The Additional District Court, Ariyalur.



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T.V.THAMILSELVI J.

MTL

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