



WEB COPY

CRP No.3342 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P.No.3342 of 2025

C.M.P.No.18404 of 2025

Shyam Sundar

..Petitioner(s)

Vs

- 1.Eswari
- 2.M.Thanigachalam
- 3.M.Kumar
- 4.M.Pandian
- 5.D.Vijay
- 6.D.Murali
- 7.Neelammal
- 8.A.Subramani
- 9.A.Sundaramoorthy
- 10.Saraswathy
- A.Govindasami (died)
- 11.Adhiammal
- 12.Pushpa
- 13.Minor Supriya
- 14.Minor Lakshmanan
- 15.Logos Vision Trust
- Represented by its Trustee
- Arasu Rajarathinam
- 16.Emma



17.Emile Rajarathinam

18.Balu

19.Yovan

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the fair and decreetal order dated 17.03.2025 passed in I.A.312 of 2016 in O.S.No.43 of 2016, by the learned District Munsif, Sholinghur, Ranipet District and allow the Civil Revision Petition.

For Petitioner(s): Mr.Ganesh and Ganesh

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking rejection of the plaint.

2.The respondents 1 to 14 herein filed a suit seeking declaration of title and recovery of possession.

3.According to the plaintiffs the suit schedule properties A and B were originally owned by Padavettan, son of Munian. He sold A schedule property to Murugesan and Duraisamy under a registered sale deed dated 10.11.1992. The said Murugesan died on 11.11.1992 leaving behind plaintiffs 1 to 4 as his legal heirs. The above said Duraisamy died on 09.11.2015 leaving behind plaintiffs 5 and 6 as his legal heirs. Similarly, said Padavettan sold B schedule property to



Ananda Udayar under a registered sale deed dated 10.11.1992 and the said purchasee Ananda Udayar died leaving behind plaintiffs 7 to 12 as his legal representatives. Thus, the plaintiffs traced their title over the suit A and B schedule properties. It is also alleged by the plaintiffs that defendants who are not having any semblance of right over the suit properties committed a trespass into the suit A and B schedule properties on 17.11.2015 by claiming right under certain documents. Therefore, the plaintiffs were constrained to file the suit for declaration. The petitioners who were arrayed as defendants 1 to 6 in the suit filed instant application seeking rejection of the plaint. According to the petitioners they purchased suit A and B schedule properties from its lawful owner Padavettan under a registered sale deed dated 15.05.1996. On the strength of the purchase made by the petitioners on 15.05.1996, they filed an application seeking rejection of the plaint and the same was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

4.The learned counsel for the petitioners raised the following points:-

a)the petitioners entered possession of the suit property on 15.05.1996.

From that day onwards they have been in possession and enjoyment of the suit properties for more than statutory period and therefore, the present suit filed by the respondents seeking declaration and recovery of possession is barred by Article 65 of Limitation Act.



b)It is further stated that the respondents sought for declaration of title and recovery of possession. Therefore, they should have paid Court fee on the market value of the suit property and the notional valuation adopted by the respondents at Rs.1500/- and payment of Rs.113/- as Court fee is not acceptable.

c)The learned counsel further submitted that respondents have not produced any document to establish their possession over the suit property. Therefore, the suit filed by them is not at all maintainable.

5.It is seen from the averments contained in the plaint, according to the respondents / plaintiffs suit properties were purchased by their predecessor in interest from Padavettan in the year 1992. The petitioners / defendants claimed to have purchased the property only in the 1996. Therefore, the title deed relied on by the petitioners / defendants is subsequent to the title deed relied on by the plaintiffs. It is well settled law that a subsequent sale deed cannot override an anterior title document. In such circumstances, the submission made by the learned counsel for the petitioners on the strength of 1996 document is not acceptable by this Court.

6.As far as the contention regarding continuous enjoyment of the suit properties by the petitioners from the year 1996 and bar created under Article 65 of Limitation Act is concerned, the plea of adverse possession has to be



meticulously proved through cogent evidence during trial and the same cannot be the subject matter of petition for rejection of the plaint.

WEB COPY

7.It is seen from the typed set of papers that the suit was filed in the year 2016, well prior to the amendment of the Tamil Nadu Court Fees and Suits Valuation Act, 2017. Therefore, as per the unamended provision of Tamil Nadu Court Fees Act, the respondents valued the suit property, which is an agricultural land based on kist value and paid court fees on the minimum value under Section 25 (a) of Tamil Nadu Court Fees Act. The same is proper and the submission made by the learned counsel for the petitioners that the suit is not properly valued is not acceptable to this Court. It is seen from the prayer in the plaint, the respondent seeks declaration of title and recovery of possession. Therefore, it is an admitted fact that on the date of suit the defendants were in the possession of the suit properties and therefore, they need not produce any document to establish their possession over the suit properties. Hence, the submission made by the learned counsel for the petitioners that the respondents failed to establish their possession over the property is unacceptable to this Court. The trial Court rightly came to the conclusion that petitioners have not made out any case for rejection of the plaint on the basis of the averment contained in the plaint and plaint documents. I do not find any error in the impugned order. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.



WEB COPY

CRP No.3342 of 2



8.It is made clear that the petitioners are entitled to raise all the defenses before the trial Court and the same shall be considered on its own merits without being influenced by any observation made in this order.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ep



WEB COPY

CRP No.3342 of 2



To:-
The District Munsif Court,
Sholinghur.



WEB COPY

CRP No.3342 of 2



S.SOUNTHAR, J.

ep

C.R.P.No.3342 of 2025
C.M.P.No.18404 of 2025

28-01-2026