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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 16-11-2026	Delivered on: 18-11-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.3726 of 2023
& CMP.No.23265 of 2023

CNR:{HCMA011791422023}

Case QR

1. M.Y.Abdul Jaleel
   S/o. Late Mohamed Yasin,
   No.57/68, Senniamman Koil Street,
   Tondiarpet, Chennai-600 081

2. M.M.Y.Abdul Jameel
   S/o. Late Mohamed Yasin,
   No.57/68, Senniamman Koil Street,
   Tondiarpet, Chennai-600 081.

...Petitioners

Vs

1. A.R.Lalitha
   D/o Rosaiah Naidu, No.4/57,
   Thandavarayan Mudali Street, Old
   Washermenpet, Chennai-600 021.

2. M.Y.Syed Sulthan Beevi
   W/o. late Mohamed Yasin,
   No.57/68, Senniamman Koil Street,
   Tondiarpet, Chennai-600 081

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3. M.M.Jamrut Begum
D/o. Late Mohamed Yasin,
No.57/68, Senniamman Koil Street,
Tondiarpet, Chennai-600 081.

...Respondents

PETITION under Article 227 of The Constitution of India against the order and decretal order dated 03.8.2023 in I.A.No.3 of 2021 in O.S.No.5217 of 2019 on the file of the 12th Assistant Judge, City Civil Court, Chennai.

For Petitioners: Mr.V.Sairam
For Respondents: Mr.G.S.Sivakumar for R1
Mr.V.Kamal for R3
R2 – Not ready in Notice

ORDER

This civil revision petition has been filed under Article 227 of The Constitution of India against the order dated 03.8.2023 in I.A. No.3 of 2021 in O.S.No.5217 of 2019 on the file of the 12th Assistant Judge, City Civil Court, Chennai (for short, the Court below) wherein the application filed by the petitioners/D3 & D4 under Order VII Rule 11 of the Civil Procedure Code (CPC) seeking to reject the plaint, came to be dismissed.

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2. Though the above revision has been filed under Article 227 of The Constitution of India, it is converted into one under Section 115 of the CPC.

3. Heard the learned counsel for the petitioners/D3 & D4 and the respective learned counsel appearing for the first respondent/ plaintiff and the third respondent/D2.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. The first respondent/plaintiff filed the said suit seeking for the relief of declaration to declare that the settlement deed dated 05.1.2005 executed by her in favour of one Mr.Mohamed Yasin was null and void and would not bind the suit property.

6. In the said suit, the petitioners/D3 & D4 filed the said application under Order VII Rule 11 of the CPC seeking to reject the plaint on the ground that the said suit was hopelessly barred by

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limitation.

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7. However, the Court below dismissed the said application on the ground that the first respondent/plaintiff had alleged commission of fraud, that therefore, it would require recording of evidence and that the issue of limitation in the present case would be a mixed question of fact and law. The Court below ultimately dismissed the said application by the impugned order. Aggrieved by that, the above civil revision petition is before this Court.

8. The first respondent/plaintiff admitted in the plaint that a document was executed in favour of the said Mr.Mohamed Yasin on 05.1.2005 and it was registered as doc.No.28 of 2005 on the file of the Sub-Registrar, Royapuram. But, it was claimed by first respondent/plaintiff that she was under the impression that it was a lease deed and she was not aware that the said document was a settlement deed. Hence, the first respondent/plaintiff alleged fraud.

9. The first respondent/plaintiff, in order to sustain the above stand, stated in paragraph 42 of the plaint as follows:

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"42. The plaintiff states that Md.Yasen under the influence of his son, 3rd defendant latched a Plot to grab the suit property. They devised a plan to grab the suit property under the guise of lease deed. They connived with the Advocate who drafted the settlement deed. The plaintiff did not know the witnesses and the advocate who drafted the settlement deed. The procedure for the photo in the instrument, (deed), being a sale deed, or the settlement deed or the release deed, was not available in the year 2005. These factor suggests that the plaintiff was made to sign a settlement deed under the influence of late Md.Yasin. She did not know the language of the document, as it was written in English. As stated supra, the plaintiff learnt to sign her signature in English language. The contents of the document was not read to her, though she enquired Md.Yaseen to explain the content of the document. The settlement deed does not bind the plaintiff and shall be set aside as non-est. The suit property, original title deeds of the property are the custody of her brother. The original settlement deed, related documents of the suit property are in the custody of the 3rd defendant."

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10. The first respondent/plaintiff, while tracing the cause of action, averred in the plaint that she came to know about the alleged settlement deed only after she applied for the encumbrance certificate on 15.11.2018 and after receipt of the certified copies of the said settlement deed; and that the said suit was filed within 3 years from the date of knowledge of the fraud committed by the said Mr.Mohamed Yasin and his son/D3. Thus, the first respondent/ plaintiff had taken a stand that the said suit has been filed within 3 years from the date of knowledge of the alleged fraud committed by the said Mr.Mohamed Yasin.

11. It is not a case where the first respondent/plaintiff has been impersonated or any forgery has been committed. The specific case of the first respondent/plaintiff is that a document was, indeed, executed in the year 2005 and it was also registered, that she was under the impression that it was a lease deed and that she was not aware that it was a settlement deed.

12. To support this stand, the first respondent/plaintiff specifically pleaded that the contents of the said document were

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written in English language and that the first respondent/plaintiff did not know to either read or write English.

13. In order to test the above ground raised by the first respondent/plaintiff, this Court went through the settlement deed dated 05.1.2005, which has been filed as plaint doc.No.3. The entire document is written in Tamil not in English as mentioned in the plaint. Therefore, the very basis, on which, the first respondent/ plaintiff is feigning ignorance gets completely crumbled and that as consequence, the stand taken by the first respondent/plaintiff as if a fraud had been committed by informing her that a lease deed was being executed whereas a settlement deed was, in fact, executed, becomes too far-fetched.

14. Just because the first respondent/plaintiff repeatedly uses the word '***fraud***' to bring the said suit within limitation, the Court cannot straight away act upon the same since, in many cases, such a term is used only to bring the suits within the period of limitation by invoking Section 17 of the Limitation Act.

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15. Useful reference can be made to the judgment of the Hon'ble Apex Court in ***C.S.Ramaswamy Vs. V.K.Senthil [reported in 2022 SCC OnLine SC 1330],*** the relevant portions of which are extracted as hereunder:

> *"7.8 Even the averments and allegations in the plaint with respect to fraud are not supported by any further averments and allegations how the fraud has been committed/ played. Mere stating in the plaint that a fraud has been played is not enough and the allegations of fraud must be specifically averred in the plaint, otherwise merely by using the word "fraud", the plaintiffs would try to get the suits within the limitation, which otherwise may be barred by limitation. Therefore, even if the submission on behalf of the respondents – original plaintiffs that only the averments and allegations in the plaints are required to be considered at the time of deciding the application under Order VII Rule 11 CPC is accepted, in that case also by such vague allegations with respect to the date of knowledge, the plaintiffs cannot be permitted to challenge the documents after a period of 10 years. By such a clever drafting and using the word "fraud", the plaintiffs have tried to bring the suits within the period of limitation invoking*

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Section 17 of the limitation Act. The plaintiffs cannot be permitted to bring the suits within the period of limitation by clever drafting, which otherwise is barred by limitation……..

7.9 Applying the law laid down by this Court in the aforesaid decisions on exercise of powers under Order VII Rule 11 CPC to the facts of the case on hand and the averments in the plaints, we are of the opinion that both the Courts below have materially erred in not rejecting the plaints in exercise of powers under Order VII Rule 11(d) CPC. The respective suits have been filed after a period of 10 years from the date of execution of the registered sale deeds. It is to be noted that one suit was filed by the minor, which was filed in the year 2006, in which some of the plaintiffs herein were also party to the said suit and in the said suit, there was a specific reference to the Sale Deed dated 19.09.2005 and the said suit came to be dismissed in the year 2014 and immediately thereafter the present suits have been filed. Thus, from the averments in the plaint and the bundle of facts stated in the plaint, we are of the opinion that by clever drafting, the plaintiffs have tried to bring the suits within the period of limitation, which otherwise are barred by limitation. Therefore, considering the decisions of this Court in the case of T.Arivandandam

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(supra) and other decision of Raghwendra Sharan Singh (supra), and as the respective suits are barred by the law of limitation, the respective plaints are required to be rejected in exercise of powers under Order VII Rule 11 CPC."

16. I had an occasion to deal with a similar issue in ***Anuradha Bhaskar & another Vs. Dr.P.Venkat & Others [CRP.Nos.4690 & 4702 of 2025 dated 08.9.2026]*** involving a registered document, which was sought to be challenged beyond the limitation period of three years. A specific reference was made to the earlier judgments and Section 3 of the Transfer of Property Act (for brevity, the TP Act) was relied upon and it was held that whenever a document is registered, the date of registration becomes the date of deemed knowledge/constructive notice under Section 3 of the TP Act. For proper appreciation, the relevant portions in the said judgment read thus:

"9.When an application is filed for rejection of plaint on the ground that the relief is barred by limitation, the Court has to see the averments that have been made in the plaint and the documents filed along with the plaint

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and assess whether any fictional cause of action has been created only to overcome the bar of limitation and in such a case, the Court can always reject the plaint in order to ensure that such unsustainable suits are nipped in the bud. Useful reference can be made to the judgments of the Apex Court in Shri Mukund Bhavan Trust and Others v. Shrimant Chhatrapati Udayanraje Pratapsinh Maharaj Bhonsle and Another reported in 2024 15 SCC 675 and Indian Evangelical Lutheran Church Trust Association .v. Sri Bala & Co., reported in 2025 SCC Online SC 48.

10.This Court must also bear in mind that every document that is registered, will give rise to constructive notice from the date of registration and therefore, the Court must assess the fact as to whether the plaintiff could have discovered by due diligence the factum of registration of the documents in which case deemed knowledge can be attributed to the plaintiff. Useful reference can be made to the judgment of the Apex Court in Dilboo (dead) by Lrs., v. Dhanraji (dead) and Others reported in 2000 7 SCC 702.

11.In the case in hand, the plaintiff is none other than the son of the 1st defendant and the brother of the 2nd defendant and the 3rd defendant is the son of the 2nd defendant.

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Even as per the short and long cause title in the suit, the address of both the plaintiff as well as defendants 1 to 3 is mentioned as Old No.23 New No.27, North Street, Sri Ram Nagar, Alwarpet, Teynampet, Chennai-600 018. The plaintiff and the 1st defendant who are the son and father are doctors by profession. Thus, everyone was living under the same roof.

12.In the plaint, the plaintiff has averred that during the first week of June 2024, a representative of the 4th defendant approached the plaintiff and informed that the Company is proposing to buy the land in Survey No.154/1 measuring 6.40 acres from the 2nd defendant. The plaintiff claims that only thereafter he came to know about the registered settlement deed dated 23.04.2004 executed by the 1st defendant in favour of the 2nd defendant and the registered settlement deed dated 01.10.2009 executed by the 2nd defendant in favour of the 3rd defendant. He thereafter applied for the certified copy of the documents after getting the encumbrance certificate and filed the suit.

13.Based on the averments made in the plaint, this Court has to see whether the plaintiff has attempted to create an illusion of cause of action by pleading that he came to know about the two registered documents only in the year 2024 and thereby he is attempting to overcome

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the bar of limitation, As held by the Apex Court in various judgments, the Court must ensure that the astute drafting of a plaint creating an illusory cause of action, must be nipped in the bud without making the defendants undergo the ordeal of facing a trial.

14.Whenever a document is registered, the date of registration becomes the date of deemed knowledge/constructive notice under Section 3 of the Transfer of Property Act. Thus strictly speaking Article 58 of the Registration Act, will come into play and the time will start ticking from the day the right to sue first accrues which is the date of registration of the document.

15.Article 59 of the Limitation Act, which deals with cancellation or setting aside an instrument or decree talks about three years from the date of knowledge. Both these articles operate in difference fields.

16.As stated supra, all the parties are residing under the same roof and therefore, the stand taken by the plaintiff as if he came to know about the registered settlement deeds only in the year 2024, is too difficult to swallow. It is a fact which the plaintiff could have easily discovered by due diligence and therefore, deemed knowledge should be attributed to the plaintiff because the plaintiff cannot be allowed

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to extend the period of limitation by merely claiming that he had no knowledge till the year 2024.

17.If litigants are allowed to challenge registered documents and seek for declaration by merely making an averment that it came to their knowledge only at a later point of time, a suit can be filed by cleverly drafting the plaint and create illusions of a cause of action and get over the period of limitation. This Court can understand if such a plea is taken by a third party whose property is dealt with without his knowledge and he comes to know about the same at a later point of time. In the case in hand, the plaintiff is none other than the son of the 1st defendant and the brother of the 2nd defendant and therefore, the Court has to necessarily attribute deemed knowledge to the plaintiff since the plaintiff could have easily discovered the registration of those documents by due diligence.

18. This Court reminds itself of the judgment of the Apex Court in T. Arivandandam v. T.V. Satyapal and Another reported in 1977 4 SCC 467, where the Apex Court held that if on a meaningful reading of the plaint, it is manifestly clear that a clever drafting has created the illusion of a cause of action, such plaint has to be nipped in the bud at the first hearing.

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19.This Court also takes into consideration the judgment of the Apex Court in Madanuri Sri Rama Chandra Murthy v. Syed Jalal reported in 2017 13 SCC 174, where it was held that on a reading of the averments of a plaint as a whole, the suit is found to be barred by any law including the law of limitation, the plaint has to be rejected so that a bogus litigation will end at the earliest stage.

20.The above law was reiterated by the Apex Court in C.S.Ramaswamy v. V.K.Senthil and Others reported in 2022 SCC Online SC 1330, where the plaint was rejected on the ground that the relief is hopelessly barred by limitation."

17. In the case in hand, the first respondent/plaintiff has come up with a false plea to the effect that the contents of the registered document were in English and that she did not know to either read or write English. However, it comes to light that the contents of the registered document were very much in Tamil. This registered document was executed in the year 2005 and hence, there was a deemed knowledge/constructive notice under Section 3 of the TP Act since the first respondent/plaintiff was a party to that document.

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18. If that is so, the first respondent/plaintiff cannot be allowed to repeatedly use the word '***fraud***' and create an illusive cause of action to get over the limitation and file the said suit in the year 2019 questioning the settlement deed of the year 2005. It is a clear case of clever drafting and the first respondent/plaintiff has created an illusion of a cause of action and this plaint has to be nipped in the bud as held by the Hon'ble Apex Court in the decision in ***T.Arivanndham Vs. T.V.Satyapal [reported in 1977 (4) SCC 467].*** The Court below has not properly appreciated the legal bar and the reasoning given by the Court below certainly suffers from perversity warranting the interference of this Court.

19. Accordingly, the above civil revision petition is allowed and the impugned order dated 03.8.2023 in I.A.No.3 of 2021 in O.S.No. 5217 of 2019 on the file of the 12th Assistant Judge, City Civil Court, Chennai is set aside. The plaint in O.S.No.5217 of 2019 on the file of the 12th Assistant Judge, City Civil Court, Chennai stands rejected. No costs. Consequently, the connected CMP is closed.

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Speaking order
Neutral Citation: Yes

To
The Registrar,
City Civil Court, Chennai.

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N.ANAND VENKATESH,J

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