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CRP No. 5031 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 5031 of 2025
and CMP No.25403 of 2025**

1. Vaidehi
D/o Ranganathan, No.27, Appasamy
Towers, Thayagaraya Salai, Chennai 17

Petitioner(s)

Vs

1. Muthukumarasami
S/o Govindaraju Kumar, Kammapuram
Village, Vriddhachalam Taluk, Cuddalore
District

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and decree of the Additional Sub Court, Vriddhachalam in I.A.No.1 of 2024 in O.S.No.208 of 2023 dated 02.07.2025.

For Petitioner(s): I.Calvin Jones

For Respondent(s): Mr.Y.Jyothish Chander



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ORDER

Before the trial court, the second defendant in O.S.No.208 of 2023 filed an application in I.A.No.1 of 2024 to reject the plaint stating that there is no cause of auction and the plaint averments do not disclose as to when the plaintiff has paid the consideration to the erstwhile owner and how he obtained title over the property and with lack of such particulars, the plaintiff is not entitled to the relief of declaration and on that ground, the revision petitioner filed an application for rejection of the plaint.

2. The said application was contested by the respondent/plaintiff and the trial court dismissed the application holding that the objection raised by the revision petitioner/defendant ought to be decided only after full fledged trial and the reasons to reject the plaint has not been properly explained and also holding that the plaintiff is claiming title over the property from the year 1985 and therefore it requires detailed evidence and thereby dismissed the application. Aggrieved by the same, the second defendant has filed the present revision.

3. Learned counsel for the revision petitioner/2nd defendant submits that in paragraph No.1 of the plaint, the plaintiff has not described as to how he obtained the right over the property and also has not disclosed any particulars with regard to the



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alleged payment consideration and the trial Court failed to take note of those averments and therefore prays to reject the plaint.

4. Learned counsel for the respondent/plaintiff submits that in the year 1985, the plaintiff paid the consideration to the first defendant and is in possession of the property and to that effect the revenue records viz., Adangal extracts stand in his name and those documents are filed before the trial court and the plaintiff is ready to prove the title and also submits that the trial Judge has rightly considered and dismissed the application, which requires no interference.

5. I have considered the submissions of the learned counsel made on either side and perused the materials available on record.

6. The plaintiff claims that he is the owner of the property from 1985 and approached the court seeking the relief of declaration. The second defendant has filed an application to reject the plaint stating that there is no cause of action for filing the suit. The fact that the plaintiff narrated various reasons with regard to the right and title over the property and is in possession of the property from the year 1985 without any interference from the legal heirs of the vendor and also the fact that more



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than 12 years, the plaintiff is in possession of the property, thereby also perfected title by adverse possession. All these facts have to be decided only at the time of trial and if at all any defence is available to the second defendant, he can raise the same before the trial court. Findings of the trial Court needs no interference.

7. For the above reasons, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2026

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Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order

To

The Additional Sub Court, Vriddhachalam

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