



CRP.No.324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :28.01.2026

PRONOUNCED ON :16.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.324 of 2024
and CMP.No.1514 of 2024

K.U.Meeran

... Petitioner

1.R.Subramani
2.R.Shanmugham
3.C.Saminathan
4.C.Nandakumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order of the II Additional District and Sessions Judge's Court, Tiruppur, dated 30.11.2023 in I.A.No.3 of 2022 in O.S.No.335 of 2021.

For Petitioner : Mr.P.Valliappan
Senior counsel
for PV Law Associates

For Respondents : Mr.S.Gunaseelan
for R1 to R4



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ORDER

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

2. The respondents herein filed a suit seeking declaration that they are the absolute owners of the suit property and for consequential injunction restraining the petitioner from interfering with the possession of the suit property. They also sought for cancellation of the sale deed executed in favour of the defendants dated 19.05.1975 by their father Ramasamy.

3. It is the case of the respondents that 5 acres 51 cents of land in S.F.No.383/2 in Poomalur Village was originally purchased by one Karuppakkal under sale deed dated 02.03.1942. The said Karuppakkal executed a sale deed in favour of Ayiakkal and Ramasamy Gounder under registered sale deed dated 29.11.1966. Thereafter, there was a partition between Ayiakkal and Ramasamy Gounder on 13.12.1967. In the said



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partition deed, Ayiakkal was allotted with 2 acre 80.5 cents and Ramasamy Gounder was allotted with 2 acre 70.5 cents. Ayiakkal sold her share to one Senkathal under registered sale deed dated 13.12.1967. The said Senkathal sold an extent of 0.7 ½ acres to Ramasamy Gounder on 16.02.1968. Thus, Ramasamy Gounder enjoyed the property purchased by him. The plaintiffs 1 and 2 are sons of Ramasamy Gounder. The plaintiffs 3 and 4 are sons of another deceased son of Ramasamy Gounder namely Chinnasamy. The daughters of Ramasamy Gounder, Thulasiammal @ Thulasi Mani and Lakshmi executed a release deed on 30.12.2013 releasing their share in favour of the plaintiffs 1 and 2 and Chinnasamy. Chinnasamy during his lifetime executed a settlement deed in favour of plaintiffs 3 and 4 on 22.02.2019. Thus plaintiffs claim title over the suit property. It is also stated that the revenue documents also stand in the name of the plaintiffs and the same were produced along with the plaint. It is the further case of the respondents/plaintiffs that the defendant, who is an utter stranger to the suit property filed a suit in O.S.No.115 of 2019 on the file of the District Munsif Court, Palladam challenging the release deed executed by daughters of Ramasamy and settlement deed executed by Chinnasamy. Only after receipt



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of summons in the suit filed by the defendant, the plaintiffs acquired knowledge that the defendant had forged some documents, as if, it was executed by deceased Ramasamy in his favour. Thus claiming the sale deed executed by Ramasamy in favour of petitioner/defendant dated 19.05.1975 was a forged document, the suit was laid by the respondents seeking declaration of title and injunction. They have also challenged the sale deed dated 19.05.1975.

4. The petitioner/defendant filed instant application seeking rejection of the plaint on the ground that the prayer made by the respondents challenging the sale deed dated 19.05.1975, nearly 45 after years is hopelessly barred by limitation. The said application was dismissed by the trial Court and aggrieved by the same, the petitioner has come before this Court.

5. Mr.P.Valliappan, learned Senior Counsel appearing for the petitioner submitted that the respondents filed the present suit challenging the sale deed executed 45 years ago and therefore, the said prayer is hopelessly barred by limitation. He further submitted that if the prayer



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challenging the sale deed is held to be barred by limitation, automatically, the prayer seeking declaration of title and other consequential injunction will also get barred. He further submitted that the plaintiffs by making ingenious pleadings cannot create a cause of action and bring the suit within limitation.

6. The learned counsel for the petitioner relied on the following judgments:

S.No	Date	Citations
1.	Radhakrishna Reddy (died) and others Vs. G.Ayyavoo and 23 others	2013 (6) CTC 314 (Mad)
2.	V.Padma @ Pappa; K.Kalyani @ K.Srikalyaani; V.Elango Vs.T.R.Mohan and others	2016 (2) MWN (Civil) 75 (Mad)
3.	Raghwendra Sharan Singh Vs. Ram Prasanna Singh (dead) By legal Representatives	(2020) 16 SCC 601
4.	A.Valliammal and others Vs.C.Madhuram and others	2022(2) CTCOL 122 (MAD)
5.	Ramisetty Venkatanna and another Vs. Nasyam Jamal Saheb and others	2023(5) CTC 60 (SC)
6.	Shri Mukund Bhavan Trust and others Vs. Shrimant Chhatrapati udayan Raje Pratapsinh Maharaj Bhonsle and another	2024 SCC Online SC 3844
7.	Indian Evangelical Lutheran Church Trust Association Vs. Sri Bala and Company	2025 SCC Online SC 48
8.	K.Pavuna and others Vs. S.Vijaya Krishnan and others	MANU/TN/2388/2025
9.	Uma Devi and others Vs. Anand Kumar and others	(2025) 5 SCC 198



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7. The learned senior counsel appearing for the petitioner vehemently contended that 1975 document cannot be challenged by the respondents in the year 2021 on a false plea that they acquired knowledge about the said document only recently. He also submitted that the original seller, Ramasamy Gounder never challenged the sale deed during his lifetime and therefore his legal representatives are not entitled to challenge it.

8. It is settled law, while considering the petition for rejection of the plaint, the Court is guided only by the averments found in the plaint and the plaint documents and Court cannot rely on the defence raised by the defendant.

9. In the foregoing paragraphs, I have narrated how the respondents claimed their title over the suit property. Even after 1975 sale deed by Ramasamy Gounder, there were two registered documents which came into existence, they are (1) release deed executed by daughters of Ramasamy Gounder in favour of plaintiffs 1, 2 and their brother Chinnasamy dated 30.10.2013 and (2) settlement deed executed by Chinnasamy in favour of



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plaintiffs 3 and 4 dated 22.02.2019. The plaintiffs also along with the plaintiff produced the revenue records in their names. It is also further seen that the above mentioned release deed and settlement deed were challenged by the petitioner/defendant in a separate suit in O.S.No.115 of 2019 on the file of the District Munsif Court, Palladam and the same has been transferred and renumbered as O.S.No.492 of 2022 on the file of the Additional District Judge, Tiruppur and the said suit is pending. As per the plaintiff's averment, the plaintiffs acquired knowledge about the sale deed allegedly executed by Ramasamy Gounder in favour of defendant on 19.05.1975, only after receipt of summons in O.S.No.115 of 2019. Whether the plaintiff acquired knowledge about the 1975 sale deed only after receipt of summons in O.S.No.115 of 2019 or they had knowledge even prior to that date is a matter for evidence. The petitioner herein has not produced any material evidence to show that the respondents/plaintiffs acquired knowledge about 1975 document even prior to receipt of summons. Even assuming any material document is produced by the petitioner to impute knowledge about the alleged forgery even prior to that, at the stage of petition to reject the plaintiff, the Court cannot rely on the document produced by the petitioner. As



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per the averment found in the plaint, the respondents acquired the knowledge about the 1975 forged document only after receipt of summons in O.S.No.115 of 2019 and within three years they filed the present suit.

10. The learned Senior counsel appearing for the petitioner vehemently contended that Ramasamy himself during his lifetime failed to challenge 1975 document and therefore, the respondents are not entitled to challenge the same. The respondents are challenging 1975 document on the ground of forgery and according to them, they acquired knowledge about the forged document only recently. They are challenging the existing registered sale deed of the year 1975, therefore, the entire burden of proving the alleged forgery is on the plaintiffs. The plea of forgery raised by the respondents can be considered only at the time of final disposal based on evidence to be let in by the parties.

11. Unless the respondents prove forgery and acquisition of knowledge about the alleged forgery or fraud within three years immediately preceding the date of presentation of the plaint, they are not entitled to



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succeed. Ultimately, if the Court finds plea raised by the respondents is not correct, in the facts and circumstances of the case, Court can very well invoke its power under Section 35-A of CPC for imposition of cost. At this stage, we cannot accept the averment of the petitioner made in the affidavit filed in support of the petition for rejection of the plaint as correct and reject the plea of forgery raised by the respondents. It is also pertinent to note that the petitioner filed suit in O.S.No.115 of 2019 challenging the subsequent registered sale deeds namely release deed and settlement deed referred above and the said suit is also pending. In such circumstances, this Court feels that the petitioner can be directed to face the trial and he has not made out any case for rejection of the plaint .

12. In *Radhakrishna case* cited above, this Court held, if the suit appeared to be barred by any law based on the statement made in the plaint, the suit can be rejected. In the case on hand, in view of the averment made by the respondents that they acquired knowledge about forged document only recently, the above said judgment is not applicable to the facts of the case.



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13. In *V.Padma @ Pappa case* cited supra, the suit was filed to cancel the power deed executed by the plaintiff in favour of first defendant and to declare the sale deed executed by the first defendant as power agent in favour of second defendant as null and void. The power deed was executed in 1990 and the sale deed was executed by power agent in 2001, the suit was filed in the year 2013. On the facts of the said case, the Court said that power deed was coupled with the interest and the same was acted upon by the agent and in exercise of the power conferred by him, he sold the property to second defendant and therefore, the same was binding on the plaintiff.

14. It is pertinent to mention that knowledge of the agent is the knowledge of the principal and in that case principal could not plead that he acquired knowledge about the sale deed only recently. In these circumstances, the plaint was rejected on the facts of the said case and the same is not applicable to the facts of the present case.



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15. In ***Ragwendra Sharan Singh case*** cited by the learned Senior counsel for the appellant, the Apex Court held that power to strike out the plaint is a drastic one and hence, the conditions enumerated under Order VII Rule 11 of CPC have to be strictly adhered to. It is further stated in the judgment that the averments found in the plaint have to be read as a whole to find out whether the averment disclose the cause of action or whether the suit is barred by law. It is also observed that when the allegation made in the plaint are taken to be correct as a whole on their face value and still suit is barred by law or do not disclose any cause of action, petition for rejection of the plaint can be ordered. In the case on hand, the respondents pleaded that they acquired knowledge about the alleged forged document only recently. If it is taken as correct, the suit is very well within limitation. However, whether the said statement made by the respondents is correct or not has to be decided at the time of trial based on evidence. At the stage of petition for rejection of the plaint, the Court has to take the averment found in the plaint as correct and see whether based on those averments, suit is barred by limitation or there is a failure of cause of action. As mentioned earlier, if the averment found in the plaint in the present case is taken as correct, suit is



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very well within limitation. Therefore, the above said case law is not helpful to the petitioner.

16. In *Valiammal case* cited supra, this Court held that from the reading of the plaint, if it appears the suit is barred by limitation, the Court can reject the plaint. In the case on hand, as mentioned earlier, as per the averment found in the plaint, suit is very well within limitation. Therefore, the above said case law is also not helpful to the petitioner.

17. In *Ramisetty Venkatanna and another case* cited by the petitioner, the Court held that the plaintiff cleverly failed to challenge the partition deed dated 11.03.1953, in order to circumvent law of limitation and hence, the plaint shall be rejected on the ground of limitation as well as illusory cause of action. In the case on hand, the respondents/plaintiffs specifically challenged the 1975 sale deed and also specifically averred that they acquired knowledge about 1975 sale deed only recently, after receipt of summons in the suit filed by the petitioner. Therefore, the facts of the above case are completely different and the same is not applicable to the present case on hand.



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18. In *Shri Mukund Bhavan Trust and others case* cited supra, the Apex Court held that there shall be a meaningful reading of the plaint and vices of clever drafting creating an illusory cause of action shall be considered while deciding petition for rejection of the plaint. In the case on hand, the respondents pleaded that 1975 document was a forged one and they acquired knowledge about the same, only after receipt of summons in the suit filed by the petitioner. It is also pertinent to note that subsequent to 1975 document, two registered documents of the year 2013 and 2019 namely release deed executed by daughters of Ramasamy and settlement deed executed by Chinnasamy came into existence. In fact, the petitioner herein chooses to challenge those documents and filed a suit and the said suit is pending. It is the specific case of the respondents that only after receipt of summons in the suit filed by the petitioner, they acquired knowledge about 1975 document, which according to them, was a forged one. Moreover, the respondents also produced current revenue documents to establish that the suit property stands in their name in revenue records. The petitioner also claims that immediately after sale in his favour in the year



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1975, patta was transferred in his name. First of all, at the time of considering rejection of the plaint, we cannot refer to a document relied on by the defendant.

19. In the light of subsequent registered documents which came into existence in the plaintiffs family and the rival claims of the parties with regard to the revenue documents, this Court feels that the disputes between the parties have to be resolved only by leading evidence at the time of full fledged trial. In the peculiar circumstances of the case as narrated above, this Court is not inclined to exercise the drastic power of rejection of the plaint.

20. In *Indian Evangelical Lutheran Church Trust Association case*, the suit for specific performance was filed earlier based on the cause of action dated 01.07.1993. The plaint in the suit was rejected on 12.01.1998 owing to non payment of Deficit Court Fee. The second suit was filed by the plaintiff in the year 2007 i.e., 9 years after rejection of the plaint. The Court said that second suit was not filed within three years from the date of rejection of earlier plaint and therefore on the face of the averment found in the plaint, the second suit was liable to be rejected.



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21. Therefore, in the said case, based on the admitted averment found in the plaint, suit was manifestly barred by limitation and hence prayer for rejection was accepted. However, as mentioned earlier, in the case on hand, based on averment found in the plaint, suit is very well within limitation. Hence, the case law relied on by the petitioner is not applicable to the facts of the present case.

22. In the case of *K.Pavuna and others Vs. S.Vijaya Krishnan and others*, relied on by the learned Senior counsel for the petitioner also, the plaint was rejected on the ground that the statement made in the plaint was sufficient to reject the plaint. In the case on hand, as mentioned earlier, the statement made by the respondents in the plaint brings the suit within limitation, therefore, the said case law is not also applicable to the facts of the present case.

23. In *Uma Devi case* cited supra, the Apex Court observed that the plaintiffs failed to address the crucial question as to when they acquired knowledge about the registered sale deeds. The suit was filed in the year



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2023 seeking partition ignoring old registered documents. The plaintiff failed to plead when they acquired knowledge about the registered documents, therefore, the Court held, if the plaintiff acquired knowledge about the registered document earlier, it will affect the limitation for the suit. It was also held that the plaintiff suppressed the essential facts and hence the plaint was liable to be rejected. In the case on hand, the respondents specifically pleaded when they acquired knowledge about the sale deed impugned in the suit. As per the averment in the plaint, they acquired knowledge recently after receipt of summons in the suit filed by the petitioner and therefore, the suit is well within limitation, if the averment contained in the plaint is taken as correct on the face value. Therefore, the case law relied on by the learned senior counsel for the petitioner is not applicable to the facts of the present case.

24. In view of the discussions made earlier, the submission made by the learned senior counsel appearing for the petitioner is not appealable to this Court and accordingly, the Civil Revision Petition stands dismissed by confirming the order passed by the trial Court. This Court only said that if



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averments found in the plaint are taken as correct, the suit is well within limitation. It is only a *prima facie* finding for the purpose of petition to reject plaint. It is made clear, any observation made by this Court will not affect the defence of the petitioner in the main suit including plea of limitation. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2026

Index : Yes
Speaking order: Yes
Neutral Citation: Yes
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To

The II Additional District and Sessions Judge's Court,
Tiruppur.



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S.SOUNTHAR, J.

Pre-delivery order made in
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