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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6757 of 2026
and CMP No. 29100 of 2026

CNR: {HCMA012330372026}

Dakshinamurthi (died)
Rep by its leagal heirs

1. Prabavathy
   W/o.Dakshinamurthi
   No.36 (New No.48), Easwaran Koil Street,
   Pondicherry 605 001

2. Shanemuga Priya
   D/o.Dakshinamurthi
   No.36 (New No.48), Easwaran Koil Street,
   Pondicherry 605 001

3. Rajalakshmy
   D/o.Dakshinamurthi
   No.36 (New No.48), Easwaran Koil Street,
   Pondicherry 605 001

4. D.Sundaresh@Santhosh
   S/o.Dakshinamurthi
   No.36 (New No.48), Easwaran Koil Street,
   Pondicherry 605 001

..Petitioner(s)

Vs

Vasantha
W/o.Kathavarayan
No.208, Thiruvalluvar Salai
pondicherry 605 013

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decree dated 24.08.2026 made in IA.No.3 of

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2025 in OS.No.225 of 2023 on the file of the III Additional District Judge, Puducherry by allowing the Civil Revision Petition.

For Petitioner(s): Mr. K.S.Ilangovan for
M/s. Achari And Antoni

ORDER

This Civil Revision Petition has been filed under Section 115 of C.P.C., challenging the fair and decreetal order dated 24.08.2026 passed in IA.No.3 of 2025 in OS.No.225 of 2023 on the file of the III Additional District Judge, Puducherry, wherein the application filed by the petitioners/defendants for rejection of the plaint under Order VII Rule 11 of C.P.C., came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioners/defendants filed the application mainly on the ground that the suit is barred by limitation and that the suit was undervalued and after the Court below had determined the value and directed the payment of appropriate Court fee, the same was not paid on time.

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4.The Court below dismissed the application on the ground that the pleadings in the plaint does not reflect that the suit is barred by limitation. Apart from that, the deficit Court fee that was paid had already been acted upon and the suit was taken on file and numbered. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

5.In the considered view of this Court, the present suit was originally filed in the year 2003, seeking for the relief of declaration and for recovery of possession. The suit was filed before the District Munsif Court and later, based on the pecuniary jurisdiction it was returned by directing the plaintiff to properly value the suit and to pay the deficit Court fee. Only in the year 2010, the same was paid and the suit was taken on file by the Sub Court, Puducherry in O.S.No.81 of 2010. This was put to challenge by the defendants on the ground that the suit had been entertained even without considering the fact that there was an enormous delay of 2296 days in re-presenting the papers.

6.This Court disposed of the Civil Revision Petition filed by the defendants in CRP No.4093 of 2012 by an order dated 02.11.2022 in the following terms:

> 3. The learned counsel for Revision Petitioners submitted that the trial court ought not to have taken the suit on file, since because the plaintiff not filed the application to condone the said delay along with the plaint and not

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explained properly for about 2296 days. But, now the fact reveals as stated by the plaintiff-s counsel that the suit is taken on file and in that suit, written statement was filed by the defendant much prior to the filing of this Civil Revision Petition. Though the plaintiff not proceeded to register the suit, he has not raised his objection much earlier at the time of filing of written statement. Having filed written statement and the suit was taken on file, now, he raised objection, as such is highly belated one.

4. Admittedly, the suit is riped for trial and since this Civil Revision Petition was filed, it is pending from the year of 2012. Furthermore, on perusal of written statement, which is annexed in one of typed set of papers reveals that in the written statement, in para 5, the defendant raised objection with regard to numbering the suit. Therefore, the defendant is entitled to raise his objections before the trial court because he has already raised the same in the written statement. Therefore, lapse of procedure should not be appreciated, otherwise, the very right to defend the case of the party would be defeated. The case of the plaintiff is that he is the owner of property and approached the court to declare the title. Thus, he is entitled to raise all his defence by adducing oral and documentary evidence during trial. If he is not given a chance to defend the case, his valuable right will be defeated.

5. In the result, this Civil Revision Petition is dismissed and the order passed by the trial judge in I.A. unnumbered of 2010 is confirmed. Liberty is granted to the defendant to raise all his defence before the trial court during trial. No costs. Consequently, connected Miscellaneous Petition is also closed.

7.Pursuant to the above order, the present application came to be filed by the petitioners seeking rejection of plaint. The Court below found that the averments made in the plaint does not *prima facie* show that the suit is barred by limitation. Insofar as the deficit Court fee is concerned, this Court had already regularized the suit being taken of file by Sub Court, Puducherry while

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passing the earlier order. Therefore, once again an application cannot be filed for rejection of plaint on almost the same grounds by changing the ground that the deficit Court fee was not paid on time. This Court has already given liberty to the defendants to raise all their defence before the Court below. In view of the same, the order passed by the Court below does not warrant interference of this Court.

8.In view of the above discussion, the order dated 24.08.2026 passed in IA.No.3 of 2025 in OS.No.225 of 2023 on the file of the III Additional District Judge, Puducherry, is hereby confirmed.

9.In the result, this Civil Revision Petition stands dismissed and the Court below is directed to dispose of the suit in O.S.No.225 of 2023, within a period of four months from the date of receipt of copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SSR

To

The III Additional District Judge, Puducherry.

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N.ANAND VENKATESH, J.

SSR

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