



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5258 of 2025

S.Prakash

S/o.T.Sivanesan, Plot No.397, 28th St, 6th Sector,
K.K.Nagar, Chennai 78.

..Petitioner(s)

Vs

1. S.Karthikeyan
S/o.Late T.Sivanesan, No.31/16, T.P.Koil St,
Triplicane Chennai 5
2. S. Umamaheswari
D/o.Late T.Sivanesan, W/o.Jayaraman, No.124,
7th Cross St, 4th Main Road, Nolambur
Chennai 37.
3. S. Ambalavanan
S/o.Late T.Sivanesan, Plot No. 397, 28th St, 6th
Sector, K.K.Nagar, Chennai 78.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 01.07.2025 passed in unnumbered OS.SR.No. 4340/2025 by the learned I Additional Judge, City Civil Court at Chennai and direct the Registry/Court to number the said Original Suit by allowing this Civil Revision Petition.

For Petitioner(s):

Mr.S.Vijayanand



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ORDER

Challenging the rejection of the plaint even before numbering the suit, the plaintiff had preferred the present Civil Revision Petition.

2. The petitioner herein filed a suit for partition, separate possession, to declare that the settlement deed dated 20.10.2002 executed by the father of the plaintiff in favour of the first defendant as null and void, for permanent injunctions for restraining the first defendant his men from alienating and encumbering the suit property and not to disturb the peaceful possession and enjoyment of the suit property stating that the entire suit property belongs to the father of the plaintiff. The trial Court had rejected the plaint on the ground that the averments in the suit do not disclose any cause of action to file a suit for partition stating that the settlement deed is of the year 2002, but the same has not been challenged by the father of the plaintiff, who is the owner of the property, during his life time. The plaintiff had pleaded that the settlement has been obtained by the first defendant fraudulently from his father.

3. It is the contention of the learned counsel appearing for the petitioner that the trial Court had failed to appreciate the fact that the plaintiff came to know about the execution of the settlement deed only after the death of his



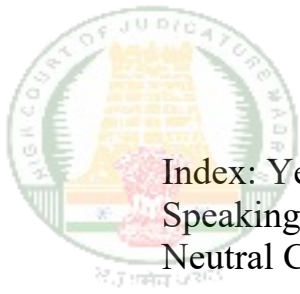
mother and immediately, he had come forward with the present suit.

Therefore, it is his contention that the plaint is well within time and the trial Court failed to take note of the above facts and rejected the plaint.

4. The trial Judge has almost framed issues about maintainability of the suit and rejected the suit stating that the suit is barred by limitation as it is not filed within the period of limitation. As per the contention of the petitioner, he came to know about the settlement deed only after the death of his mother and immediately he had filed the suit. Whether the plaintiff had knowledge about the settlement deed only after the death of his mother or earlier, is the prime issue to be decided after completion of evidence, but not based on the plaint averments. Therefore, the finding of the trial Court is like a judgment which requires interference and it is for the plaintiff to prove whether he has filed the suit immediately after the date of the knowledge of the settlement deed.

5. Accordingly, this Civil Revision Petition is disposed of and the trial Court is directed to number the suit and proceed further as per law. No costs. The registry is directed to return all the original documents to the petitioner by obtaining proper acknowledgement.

03-03-2026



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

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vrc

To,

The I Additional Judge,
City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

VRC

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1.