WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-11-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**Civil Revision Petition No.6804 of 2026**
**and**
**C.M.P.No.29261 of 2026**

Case QR

*CNR: {HCMA012437162026}*

1. Kannammal
   W/o.late C.A.Krishnasamy

2. Venkatachalapathy
   S/o.late C.A.Krishnasamy

3. Senthilkumar
   S/o.late C.A.Krishnasamy

4. Sathyabhama
   D/o.late C.A.Krishnasamy

..Petitioners

Vs

C.K.Subramaniam
S/o.Komarasamy Gounder

..Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 09.09.2026 made in I.A.No.4 of 2025 in O.S.No.25 of 2025 on the file of the District Munsif Court, Bhavani.

For Petitioners : Mr.M.Adhishree

*****

**ORDER**

This civil revision petition has been filed under Section 115 of the Code of Civil Procedure challenging the order dated 09.09.2026 passed in I.A.No.4 of



https://www.mhc.tn.gov.in/judis

WEB COPY



2025 in O.S.No.25 of 2025 by learned District Munsif, Bhavani, wherein the application filed by petitioners/defendants 1 to 4 under Order VII Rule 11 CPC seeking rejection of plaint, came to be dismissed by the Court below.

2. Heard learned counsel for petitioners and carefully perused the materials available on record. This Court also went through the impugned order.

3. The respondent is the plaintiff, who filed the suit in O.S.No.25 of 2025 seeking a declaration to declare the Gift Settlement Deed dated 03.05.2018 executed in favour of the fifth defendant as null and void and not binding on the respondent/plaintiff and restraining the petitioners/defendants 1 to 4 from interfering with the peaceful enjoyment of the suit cart track to have access to respondent/plaintiff's land in R.S.No.594 and for other consequential reliefs.

4. The petitioners, who are defendants 1 to 4 in the suit, filed an application under Order VII Rule 11 CPC seeking rejection of plaint mainly on the ground that the relief sought for by the respondent/plaintiff is clearly barred by limitation.

5. The Court below, on considering the rival claims, came to a conclusion that the limitation in the present case is a mixed question of fact and law and the same cannot be decided at the time of dealing with an application seeking



https://www.mhc.tn.gov.in/judis

WEB COPY

rejection of plaint and it requires a full-fledged trial and accordingly, dismissed the application. Aggrieved by the same, the present revision has been filed.

6. The main ground urged on the side of petitioners/defendants 1 to 4 is that the Gift Settlement Deed dated 03.05.2018 is a registered document and the relief of declaration is governed by Article 58 of the Limitation Act. Under this provision, the right to sue accrues when the right to sue first arises. Since the document was registered on 03.05.2018 and the present suit was filed only in the year 2025, the suit is *ex-facie* barred by limitation. Therefore, the relief sought for is clearly barred by limitation. It is further submitted that by virtue of clever drafting on the part of the respondent/plaintiff, the respondent/plaintiff is attempting to get over the limitation and it is a case where this Court has to interfere with the suit even at the outset.

7. In the case in hand, the respondent/plaintiff has pleaded in the plaint that he had knowledge about the Gift Settlement Deed dated 03.05.2018 only in the month of April'2024 when an attempt was made to interfere with the usage of cart track. It is an admitted case that it is the father of the petitioners/defendants 1 to 4, who had settled the suit property in favour of the fifth defendant. Admittedly, there is no relationship between the petitioners/defendants 1 to 4' father and the respondent/plaintiff. Therefore, it cannot be presumed that the respondent/plaintiff was aware of the document



https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

**N.ANAND VENKATESH, J.**

gm

just because it is a registered document. In the case in hand, the issue of limitation is certainly a mixed question of fact and law and it requires trial. The same issue can be raised before the Court below, which will be considered on its own merits and in accordance with law while disposing of the suit on merits. Therefore, the order passed by the Court below cannot said to be perverse and it is supported by proper reasons.

Accordingly, the impugned order is sustained and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**04-11-2026**

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

To
The District Munsif Court,
Bhavani.

**Civil Revision Petition No.6804 of 2026**



https://www.mhc.tn.gov.in/judis