



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6586 of 2025 and
CMP.No.32614 of 2025**

1. Mohamed Asif

2. Mohamed Saleem

3. Mohamed Aleem

Petitioners

Vs

1. Ramakrishnan

2.The Sub Registrar
SRO Tiruporur,
Chengalpet 603 105.

Mohamed Ibrahim (died).

Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and decretal order made in IA.No.5 of 2024 in OS.No.159 of 2024 dated 28-08-2025 by learned Principal Subordinate Court, Chengalpattu.

For Petitioner(s): Mr.S.Murali Krishnan for
 Mr.S.Kalaiselvan



ORDER

The Civil Revision Petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioners/ defendants seeking rejection of the plaint.

2. The first respondent herein filed a suit for bare injunction restraining the petitioners from alienating the suit property to third parties on the strength of sale agreement allegedly entered into by him with the petitioners on 20.09. 2012. The said suit was resisted by the petitioners by claiming that the suit sale agreement was a forged document. They have also raised a plea of limitation.

3. Later, the petitioners filed an application seeking rejection of the plaint by reiterating the averments contained in the written statement. The main point urged by the petitioners for rejection of the plaint was limitation.

4. The learned counsel for the petitioners submitted that though agreement was of the year 2012, the suit was filed only in the year 2024 and hence, the suit agreement is barred by limitation and the suit for bare injunction cannot be maintained based on time barred agreement.

5. It is settled law while considering the application for rejection of the plaint, the court is guided by averments contained in the plaint and the plaint documents. As per the plaint averments, the plaintiffs have been all along ready and willing to perform part of the contract from the inception. It is further stated



that the plaintiffs acquired knowledge about the attempt made by the defendants to alienate the agreement mentioned properties to third parties during the first week of August 2024 and hence, the plaintiffs were constrained to file a suit seeking injunction against alienation. Therefore, as per the plaint averments, the first breach is said to have been committed only during August 2024 and the suit has been filed immediately well within the period of limitation. Of course, during the course of trial, the petitioners/defendants may lead evidence and establish that the agreement was time barred. At the stage of petition to reject the plaint, the court cannot rely on the documents of the defendants and come to the conclusion with regard to the plea raised by defendant. Therefore, the trial court was justified in dismissing the application filed by the petitioners/defendants seeking rejection of the plaint on the ground of limitation as the question of limitation is a mixed question of law and fact. In view of the same, I do not find any error in the order passed by the trial court. Accordingly, the Civil Revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

02-01-2026

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

1.Principal Subordinate Court,
Chengalpattu.

2.The Sub Registrar
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