



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 54 of 2026 and
CMP.No.134 of 2026**

Kailasam

..Petitioner(s)

Vs

1. Badri
2. Jadaiyappa
3. Madhammal
4. Masani
5. Lakshmi
6. A.K.Katheeja
7. Subathradevi

..Respondent(s)

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 11.09.2025 made in IA.No.1 of 2024 in OS.No.36 of 2024 on the file of the learned District Munsif Court, Sathyamangalam.

For Petitioner(s): N.Manoharan

For Respondent(s): M/s.P.V.Rajeswari for R1 to R5
R6-No such person
R7-Not claimed.

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner under Order VII Rule 11 of CPC.



2. The respondents 1 to 5 filed a suit seeking declaration that sale deed executed in favour of 1st defendant namely A.K.Katheerja dated 11.09.1995 by one Sadaiyan and others was null and void. The plaintiffs also sought for declaration that sale agreement between the 1st defendant, Katheerja and 2nd defendant, Subathra Devi dated 26.04.1999 was null and void. They further sought for a declaration that sale deed executed in favour of 2nd defendant Subathra Devi on behalf of 1st defendant by Court on 01.11.2004 was null and void. The plaintiffs also sought for a declaration that sale deed executed by 2nd defendant in favour of 3rd defendant dated 11.07.2007 was null and void.

3. The petitioner herein, who was arrayed as 3rd defendant in the suit, filed instant application seeking rejection of the plaint on the ground that plaintiffs in the present suit filed a suit for declaration and injunction in OS.No.122 of 2006 on the file of District Munsif Court, Sathyamangalam against one Kumarasamy and 2nd defendant in present suit and the said suit was decreed by declaring the title of the plaintiffs. The petitioner filed instant application seeking rejection of the plaint on the ground that petitioner failed to seek declaration regarding the documents mentioned in the suit prayer within three years from the date of documents. Therefore, the suit prayer is barred by limitation and hence, the plaint is liable to be rejected.

4. As mentioned earlier, the present plaintiffs' title had been declared by competent court in the earlier suit in O.S.No.122 of 2006. The petitioner's



vendor namely Subathra Devi was party to the earlier suit. Therefore, the present plaintiffs' title has been declared in the presence of petitioner's vendor Subathra Devi. The petitioner said to have purchased the property from Subathra Devi during the pendency of the earlier suit. Therefore, the sale deed in favour of petitioner dated 11.07.2007 came into existence pending suit in O.S.No.122 of 2006. In fact, the petitioner filed application seeking his impleadment in the earlier suit in O.S.No.122 of 2006 and the same was dismissed. The dismissal of the impleading application has been confirmed in revision in CRP.No.1249 of 2009. In such circumstances, *prima facie*, the validity of petitioner's title document executed by 2nd defendant in the suit is hit by doctrine of *lis pendens*. Therefore, the sale deed executed by 2nd defendant, Subathra Devi in favour of petitioner/ 3rd defendant will not affect the title of the plaintiffs in any way in view of doctrine of *lis pendens*. The prayer sought for by the plaintiffs in the present suit is only clarificatory in nature and the same is based on the earlier declaration decree granted in their favour. In such circumstances, how far the petitioner is entitled to rely on the point of limitation when the prayer is clarificatory in nature is a moot question to be decided at the time of final disposal. Therefore, the petitioner has not made out any case to reject the plaint based on the averments found in the plaint. The trial court rightly dismissed the application on the ground that limitation question is a disputed question of fact and law and the same can be decided at the time of final disposal. I do not find anything to interfere with the impugned order



passed by the Trial Court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The District Munsif Court, Sathyamangalam



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S.SOUNTHAR, J.

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