



C.R.P.(MD) No.590 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.590 of 2026
and
CMP(MD) No.2740 of 2026**

1.Ramanapriya

2.Vijayalakshmi

3.Saravanakumar

... Petitioners

vs.

1.Manian

2.M.Govindasamy

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records relating to the Order passed in I.A.No.348 of 2025 in O.S.No.289 of 2022 dated 31.10.2025 on the file of the Additional District Judge (Fast Track Court), Palani, Dindigul District and set aside the same.

For Petitioners :Mr.R.Hariprasaadh



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ORDER

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The defendants 2 to 4 are the Civil Revision Petitioners. They challenge the order passed by the learned Additional District Judge (Fast Track Court), Palani, Dindigul District, in dismissing the application filed under Order VII Rule 11 of the Code of Civil Procedure.

2. Bereft of unnecessary details, O.S.No.289 of 2022 has been presented by the plaintiff against the first defendant seeking specific performance of an agreement of sale, dated 09.09.2015. It is not a written agreement, but is said to be an oral agreement. Pending litigation, the defendants 2 to 4/Civil Revision Petitioners had purchased the property by way of a registered sale deed, dated 12.10.2022 from first defendant. After they had completed their pleadings, defendants 2 to 4 took out an application under Order VII Rule 11 of the Code of Civil Procedure to reject the plaint.

3. A two-fold objection was raised by defendants 2 to 4. According to them, even after conceding the plea of oral sale, dated 09.09.2015, the suit having been presented after a period of 3 years, is hopelessly barred by limitation. Further, they urged that the suit



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has been valued at Rs.6,15,000/-, whereas, in paragraph No.7 of the
plaint, it is conceded that the sale consideration of Rs.18,00,000/-
was paid by the plaintiff to the first defendant on 10.01.2020. Hence,
on these grounds, they wanted the plaint to be rejected. The learned
Additional District Judge received a counter from the plaintiff and
went on to dismiss the application. Aggrieved by the same, the present
Revision.

4.I heard Mr.R.Hariprasaadh, for the petitioner.

5.Mr.R.Hariprasaadh reiterated the contentions that he had
raised before the trial Court. According to him, the plaint does not
disclose a cause of action and the same is barred by limitation.

6.I have carefully considered his submissions. I have gone
through the records.

7.Certain preliminary points have to be noted before we proceed
to the discussion of the case. An application for rejection of plaint is a
plea in *demurrer*. The Court, while dealing with rejection of the plaint
takes the averments made in the plaint, to be true and thereafter,



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decides whether the plaint should continue on its file or should be removed. The disputed issues that are raised by the parties cannot be gone into in a rejection of plaint. A Court, while considering the application for rejection of plaint is bound by the four-corners of the plaint and the documents filed therein. The defense raised by the defendants is absolutely irrelevant at the time of considering such an application.

8.The plea of the defendants 2 to 4 is that the suit is barred by time. The applicable article of the Limitation Act for a suit for specific performance is Article 54 of the Limitation Act, 1963. Under Article 54, if time is fixed under the agreement for performance, it is 3 years from that date. If no time is fixed, it is 3 years from the date of denial. Here is a case of oral agreement of sale. Paragraph No.7 of the plaint shows that the latest date for payment of consideration is 10.01.2020. If that is taken as the commencement of the period of limitation, then the last date for presentation of the plaint would be 09.01.2023. The suit, having been filed in the year 2022 itself, cannot be held to be hit by Article 54 of the Limitation Act, 1963.



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9.Insofar as the plea of Court fee is concerned, there is not even a line in the affidavit filed in support of the rejection of plaint application that the Court fee paid is improper. I am not going to be technical. I would consider the plea of Mr.R.Hariprasaadh that the plaint is undervalued. Even if I was to accept that the plea is made out, for the mere fact that the plaint is undervalued, the suit cannot be rejected under Order VII Rule 11 of the Code of Civil Procedure straight away.

10.As per sub-clause (b) of Order VII Rule 11 of the Code of Civil Procedure, the Court must first conclude that the plaint has been undervalued and pass an order to that effect. It should call upon the defendants to make good the deficit. Only if the plaintiff does not make good the deficit, within the time granted, the plaint is liable to be rejected under Order VII Rule 11(b). A perusal of papers shows that there is no order by the learned Additional District Judge, holding that the suit has been undervalued. When the condition precedent for sub-clause (b) of Order VII Rule 11 has not been satisfied, the plea on Court fee also is unsustainable.



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11.In the light of the above discussions, I do not find any merits in the Civil Revision Petition. The view of the learned Additional District Judge, (Fast Track Court) Palani at Dindigul District, in I.A.No.348 of 2025 in O.S.No.289 of 2022 dated 31.10.2025, does not require interference at the hands of this Court.

12.At this stage, Mr.R.Hariprasaadh points out that, the Civil Revision Petitioners have also presented a suit in O.S.No.142 of 2023, which is also pending on the file of the same Court. He states that the suit, against which, the Revision arises, namely, O.S.No.289 of 2022, has been directed to be taken up on joint trial along with the later suit. He states that the cases are at the stage of cross-examination of P.W1.

13.As the suits have advanced to the stage of trial, the learned Additional District Judge (Fast Track Court), Palani, Dindigul District, is requested to bestow utmost attention to both the suits and ensure that they are disposed of within a period of four months from the date of receipt of a copy of this order.



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14. With the aforesaid directions, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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To

Additional District Judge (Fast Track Court), Palani, Dindigul District



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V. LAKSHMINARAYANAN, J.

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