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C.R.P.(MD)No.941 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.941 of 2026

and

C.M.P.(MD)No.4330 of 2026

Maruthamuthu

... Petitioner

vs.

1.S.Viswanathan

2.Pushpa Venkatraman

3.Subramanian
(Power Agent of Pushpa Venkatraman)

4.S.K.Kannan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned fair and decreetal order dated 28.01.2026 made in I.A.No.171 of 2022 in O.S.No.12 of 2022 on the file of District Munsif, Thiruvaiyaru and allow this civil revision petition.

For Petitioner : Mr.S.Srinivasa Raghavan

ORDER

An application for rejection of plaint in a suit for specific performance came to be dismissed. Challenging the same, the revision.



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2. Two points are urged by Mr.Srinivasa Raghavan to assail the plaint. The first one being limitation and the second one being title. According to him, the oral agreement on the basis of which the suit has been presented was entered into on 02.01.2010 and the suit came to be filed on 10.01.2022. Hence, it is barred. His second plea is that the defendants 1 and 2 do not have title to the suit property for them to agree for sale with the plaintiff.

3. I have heard the submission of Mr.S.Srinivasa Raghavan. I have gone through the records.

4. A perusal of paragraph No.7 of the plaint discloses that the plea of the plaintiff is that the agreement was entered into on 02.01.2010 and demanding its enforcement, the plaintiff had issued a lawyer notice on 14.07.2021. The agreement was repudiated on 28.07.2021. The suit was presented within three years from the date of repudiation on 10.01.2022. A plaint cannot be rejected as being barred by limitation, unless and until, the reading of the plaint itself discloses that the suit is so barred. Under the Code of Civil Procedure, the plaintiff is entitled to give an explanation as regards the limitation period and the plaintiff has done so in paragraph No.7.



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5. The period of limitation for a suit for specific performance, where the agreement does not fix a time period, is 3 years from the date of refusal. This is as per the second part to Article 54 of the Limitation Act. Hence, the first plea on limitation has to fail.

6. Insofar as the issue of title is concerned, in a suit for specific performance, the issue of title is alien. All that the Court considers is whether the agreement projected is true and genuine. The plaintiff asserts that 2nd defendant is the owner of the property and that the sale consideration was received by the 1st defendant. That is sufficient for the plaintiff to move the Court for specific performance.

7. Both the pleas fail. Hence, this Civil Revision Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition stands closed.

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

06.04.2026

To:

The District Munsif, Thiruvaiyaru.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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