



CRP(MD). No.3220 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

**CRP(MD). No.3220 of 2025
and
CMP(MD)Nos.17775 of 2025 and 1778 of 2026**

1. S.Prema,

2. S.Vanitha,

3. S.Isakkimuthu,

... Petitioners

Vs.

1. P.Vasantha,

2. The Tahsildar,,

Taluk Office,

Tirunelveli Taluk,

Tirunelveli District.

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 03.09.2025 in I.A No.3 of 2024 in OS No.7 of 2024 on the file of the IVth Additional District Judge, Tirunelveli and allow the present Civil Revision Petition.



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For Petitioners : Mr.R.Kirhenathan
for Mr.R.J.Karthick,

For Respondents : Mr.F.Deepak,
Additional Government Pleader for R2

: Mr.Praveen
for Mr.N.Prabhu for R1

ORDER

The Civil Revision Petition is filed to set aside the fair and decreetal order dated 03.09.2025 in I.A.No.3 of 2024 in O.S. No.7 of 2024 on the file of the IVth Additional District Judge, Tirunelveli.

2. The defendants 1 to 3 in the suit filed a petition in I.A.No.3 of 2024 for rejection of plaint before the IVth Additional District Judge, Tirunelveli and the learned Judge has dismissed the petition on the ground that the point raised by the defendants 1 to 3 is with regard to the limitation and therefore, it has to be agitated only during the trial. Challenging the said dismissal order, the revision petitioners/ defendants 1 to 3 filed the present Civil Revision Petition.



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3. Mr.R.Kirhenathan, the learned counsel appearing for the revision petitioners submitted that the trial Court has not looked into the limitation. If the question of limitation is raised, that has to be decided first and only then, the trial Court has to proceed further, when the trial Court has not examined the limitation and rejected the claim. The trial Court ought to have seen that the suit is filed beyond the limitation period and the relief sought to hit under Article 113 of the Limitation Act.

4. Mr.Praveen, learned counsel appearing for the first respondent submitted that the Supreme Court has consistently held that the issue of limitation, which is a mixed question of law and fact, cannot be decided at the threshold and must be determined by the trial Court after full adjudication. Therefore, there is no reason to interfere with the order passed by the trial Court.

5. The suit has been filed for partition and, therefore, the question of limitation does not arise, since the right to seek partition is a continuing cause of action. Hence, the plea of limitation raised by the



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parties to the suit is not sustainable. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.02.2026

LS

TO

1. The IVth Additional District Judge,
Tirunelveli
2. The Tahsildar,,
Taluk Office,
Tirunelveli Taluk,
Tirunelveli District.



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N. SENTHILKUMAR,J.

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