



C.R.P.(MD).No.21 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD).No.21 of 2026

and

C.M.P.(MD).No.99 of 2026

1.A.Sundaram
2.Athisaya Ganesan
3.Thirumanichelvan

... Petitioners / Petitioners /
Defendants

-VS.-

Jeya Rathi

... Respondent / Respondent /
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order dated 10.09.2025 passed in I.A.No.1 of 2024 in O.S.No.23 of 2024 on the file of the learned Subordinate Court, Valliyoor, Tirunelveli District and set aside the same by allowing the civil revision petition.

For Petitioners : M/s.A.S.Neya,
for Mr.G.Anto Prince

For Respondent : Mr.R.Sankar Ganesh



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ORDER

The present Civil Revision Petition has been filed challenging the impugned order passed in I.A.No.1 of 2024 in O.S.No.23 of 2024 on the file of the learned Subordinate Court, Valliyoor, Tirunelveli District, whereby the petition seeking rejection of the plaint was dismissed.

2. The revision petitioners are the defendants in the suit. The suit has been filed by the plaintiff seeking cancellation of the sale deed dated 17.12.2019 and for consequential reliefs.

3. M/s.A.S.Neya, learned counsel appearing for the revision petitioners, relied upon the order passed by this Court in C.R.P.(MD).No.21 of 2026 dated 08.01.2026, wherein, by referring to the judgments of the Hon'ble Supreme Court, this Court held that even if the entire sale consideration had not been paid, the same would not by itself be a ground for cancellation of the sale deed. In this regard, reliance was placed on the judgment of the Hon'ble Supreme Court in *Dahiben vs. Arvinbhai Kalyanji Bhanusali*, reported in *(2020) 7 SCC 366*, and in *Vidhyadhar vs. Manikrao and another*, reported in



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(1999) 3 SCC 573, wherein it has been held that non-payment of part of the sale consideration would not affect the validity of the sale.

4. The learned counsel further submitted that a reading of the recitals in the sale deed would show that the entire sale transaction had been completed. It was also contended that the Trial Court dismissed the application primarily on the ground of limitation, which involves mixed questions of fact and law and ought to be decided only after trial.

5. The learned counsel also relied upon the order of this Court dated 26.02.2024 passed in C.R.P.No.509 of 2024, wherein the principles laid down by the Hon'ble Supreme Court are extracted, which read as follows:

“The underlying object of Order VII Rule 11(a) is that if in a suit no cause of action is disclosed, or if the suit is barred by limitation under Rule 11(d), the Court would not permit the plaintiff to unnecessarily protract the proceedings. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.”

There is no dispute that the Court is empowered to reject the plaint under Order VII Rule 11 CPC if no cause of action is disclosed or if the suit is



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barred by limitation. However, it is equally well settled that limitation is generally a mixed question of fact and law which requires adjudication based on pleadings and evidence.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. This Court is not persuaded to interfere with the finding of the Trial Court on the question of limitation at this stage. The Trial Court has dismissed the application under Order VII Rule 11 CPC primarily on the ground that the issue of limitation cannot be decided without trial.

8. Accordingly, this Civil Revision Petition is dismissed. The Trial Court shall proceed with the suit independently and decide the same on its own merits, uninfluenced by any observations made in this order. No costs. Consequently, the connected miscellaneous petition is closed.

20.02.2026

Speaking : Yes / No
NCC : Yes / No

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Internet : Yes / No
Index : Yes / No
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To
The Subordinate Court,
Valliyoor,
Tirunelveli District.



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N.SENTHILKUMAR,J.

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