



CRP(MD). No.3799 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.3799 of 2025 and
CMP(MD).No.19984 of 2025

A.Veerabathran

... Petitioner

Vs

1. Vijayaramanujam (Died)

1. V. . Meenakshi

2. V. Kavitha

3. V. Devipriya

4. V. Karthick

5. V. Sathiyarayanan

6. V. Dinesh Babu

7. V. Venkatesan

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and Ex-order dated 25.10.2025 made in I.A. No. 272 of 2019 in O.S.No. 304 of 2018 on the file of the 1st Additional District Judge, Madurai.

For Petitioner : Mr.E.K.Kumaresan

for Mr. J. Lawrance,

For Respondents 1 to 4 : Mr.A. Arun Ramnath

for Ms.P. Subharani



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ORDER

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This Civil Revision Petition has been filed to set aside the fair and decretal order dated 25.10.2025 made in I.A. No. 272 of 2019 in O.S. No. 304 of 2018 on the file of the I Additional District Judge, Madurai.

2. The learned counsel appearing for the revision petitioner submitted that the trial Court has not considered the grounds on which the application was filed to reject the plaint under Order VII Rule 11(a) and (d) CPC, read with Section 151 CPC, on the ground that the plaint does not disclose a cause of action and is barred by law. He further submitted that the suit has been filed for declaration, which is void and barred by law, inasmuch as the original sale deed was executed in the year 1981 in favour of D1, and subsequently, sale deeds were executed in favour of D2 and D3. The learned counsel further submitted that one Seenivasalu Naidu, who had executed the sale deed, had also executed an unregistered gift deed in favour of the original plaintiff. According to the learned counsel, such an unregistered gift deed is invalid in view of Section 123 of the Transfer of Property Act.



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3. It is the further contention of the petitioner that the plaintiff had lost his mental stability and regained the same only after a period of ten years, i.e., in the year 1991. It is also stated that the property, having been transferred to D3, was subsequently conveyed by D3 to one Maheshwari. The said Maheshwari, claiming under the said transaction, let out the building to the 14th defendant. According to the revision petitioner, the 14th defendant was initially a tenant but now claims ownership of the property based on subsequent transactions.

4. On perusal of the Civil Revision Petition, it is seen that though there are 15 defendants in the suit, the second defendant alone has filed the application to reject the plaint, and only some of the defendants have been made parties to the present proceedings, leaving out respondents 8 to 15.

5. The primary question that arises is whether such an application for rejection of plaint is maintainable. An application for rejection of plaint must necessarily include all the parties to the suit, and the revision petitioner, being the second defendant, cannot selectively choose parties



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against whom relief is sought.

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7. Even without going into the merits of the case, if the trial Court were to allow the application for rejection of plaint, the defendants who have not been made parties, namely respondents 8 to 15, would be affected. Even assuming that the District Collector is not a necessary party, respondents 8 to 14, who are defendants in the suit, have not been impleaded either in the application or in the present Civil Revision Petition.

8. The learned counsel appearing for the respondents submitted that even in the application for rejection of plaint, no reason has been stated as to why the other contesting defendants were omitted. Therefore, the application itself is liable to be rejected on the ground of non-impleadment of necessary parties.

9. With regard to the merits of the case, insofar as the cause of action is concerned, it is admitted that there exists a sale deed of the year 1981, followed by subsequent transfers in favour of D2 and D3. Issues



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have also been raised regarding the validity of the unregistered gift deed under Section 123 of the Transfer of Property Act and the mental condition of Seenivasalu Naidu at the relevant point of time. Allegations have also been made that the sale deed of the year 1981 is forged. All these issues are triable in nature and cannot be decided in an application for rejection of plaint.

10. Therefore, the present Civil Revision Petition is devoid of merits and is accordingly dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.02.2026

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Index : Yes / No

Internet : Yes / No

TO

1st Additional District Judge, Madurai.



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N. SENTHILKUMAR,J

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