



CRP(MD). No.175 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.175 of 2026

1.M.Maharajan

2.M.Mohanapriya

3.M.Saranya Pandeewari

4.M.Abirami

... Petitioners

Vs

1.B.Asaithambi

2.Vidhya

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Court below to number the suit in O.S.SR.No.2957 of 2025 on the file of the Subordinate Court, Periyakulam returned on 02.09.2025 and adjudicate the same on merits and allow the present Civil Revision Petition.

For Petitioners : Mr.R.Subramanian, Senior Counsel
for Mr.M.Saravanan



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ORDER

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This Civil Revision Petition has been filed seeking a direction to the Subordinate Judge's Court, Periyakulam, to number the suit in O.S.SR.No.2957 of 2025, which was returned on 02.09.2025 and to proceed with the same in accordance with law.

2. The learned counsel appearing for the revision petitioners submitted that the petitioners had duly complied with the returns made by the trial Court by furnishing appropriate explanations. However, the trial Court, by its last return, dated 02.09.2025, observed that the suit appeared to be barred by limitation, since no action had been taken within three years from the date of the sale deed, dated 11.03.2019 and consequently returned the plaint.

3. The learned counsel further submitted that the first respondent had assured the petitioners that the matter would be settled amicably and had executed a consent deed in favour of petitioners 2 to 4, undertaking to pay the value of the suit properties. However, the first respondent failed to honour the said undertaking. It is also submitted that, upon



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intervention by village elders, the first respondent repeatedly promised to settle the matter and thereby protracted the issue till the end of December 2024. Only thereafter, finding no other alternative, the petitioners were constrained to institute the suit in the year 2025.

4. In the considered view of this Court, the question as to whether the suit is barred by limitation, as well as the issues relating to maintainability and jurisdiction, are matters to be examined and decided by the trial Court at the appropriate stage, after affording an opportunity to the parties concerned. At the stage of scrutiny, the trial Court is required to assign reasons either for numbering the plaint or for rejecting the same in accordance with law.

5. Accordingly, the trial Court is directed to consider the plaint in O.S.SR.No.2957 of 2025 and pass appropriate orders by assigning reasons either for numbering the suit or for rejecting the same, after affording an opportunity to the revision petitioners, within a period of one month from the date of receipt of a copy of this order.



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6. With the above direction, this Civil Revision Petition stands disposed of. No costs.

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

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Note : Registry shall return the original plaint to the learned counsel for the petitioners, after getting necessary acknowledgment.

To

- 1.The Subordinate Court, Periyakulam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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N.SENTHILKUMAR, J.

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