

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Wednesday, this the 03rd day of December 2025

I.A.No.1 of 2025

in

O.S.No.48 of 2024

Raghupathi

.....Petitioner/ 8th defendant.

-Vs-

1. Subhashini

2. Saravanan

3. Renuka

.....Respondents/Plaintiffs 1 to 3.

This petition is coming before me for final hearing on 19.11.2025 in the presence of Thiru.S. Varadan, Advocate for Petitioner and Thiru.S.P.Sampath kumar, Advocate for the respondents 1 to 3 and upon hearing the arguments of both side and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;-

ORDER

The petitioner/8th defendant has filed the application Under Order VII; Rule 11 of CPC seeking an order for **reject the plaint**.

1. Crux of the affidavit filed by the petitioner is as follows:-

The petitioner is the 8th defendant in the above suit. The respondents 1 to 3 have filed the above suit against all the defendants for partition of the suit schedule mentioned properties, to declare that the registered sale deeds dated 03.09.2001, 27.01.2010, 13.07.2018, 10.08.2018, 21.04.2022, 02.05.2022, 12.10.2022, 12.10.2010, 18.10.2022 and 12.12.2022 will not bind over the plaintiff's right of 3/12th share and for granting the relief of

permanent injunction restraining the defendants from alienating or creating any encumbrances over the suit properties. The plain reading of the relief makes it very clear that it is a suit for cancellation of all the documents. The allegation in the plaint is also to the same effect. The plaintiffs 1 to 3 for reasons best known to them have valued the suit for this relief under section 25(d) of the Court fee Act, which has absolutely no application at all. As per the allegation in the plaint this suit should have been valued as per section 40 of the Tamil Nadu Court Fees Suit Valuation Act. The suit is also hopelessly barred by limitation as the 1st relief relates to sale deed dated 03.09.2001 and the suit is filed after 23 years and ought not to have been numbered. Likewise, the relief c,d,e in prayer portion also are barred by limitation and the plaint is silent with regard to this aspect of the case. It is therefore the plaint may be rejected.

2. Nutshell of the counter filed on the side of 1st respondent and adopted by the respondents 2 & 3 is as follows:-

The petition to reject the plaint against the respondents is not maintainable either in law or on facts of the case. Since the respondents/Plaintiffs are not the party to the documents mentioned in the petition, the respondents are not liable to pay the court fee under section 40 of TNCF Act. So the petition is not maintainable. The plaintiffs demanded the 1st defendant for amicable partition of the suit properties in the first week of August 2023, but the 1st defendant was evading to divide the suit properties and also she is denying the plaintiffs' right over the suit properties and came to know that the 1st defendant created the sale deed dated 03.09.2001 in favour of her husband i.e., the 2nd defendant as the power agent of the said Mari. So the plaintiffs came to know the alleged documents only after first week of August 2023. So the suit is within limitation from the date of knowledge. Further the question of limitation is the mixed question of law and facts and

it cannot be decided in the petition to reject the plaint. It is therefore, the application may be dismissed with cost.

3. Point for determination is:-

Whether the application filed by the petitioner/8th defendant for rejection of plaint is deserved to be allowed?

4. Point :- a) The Petitioner/8th defendant has filed the present application seeking an order for rejection of plaint on the ground that the plaintiff has to pay court fee Under Section 40 of TNCF Act instead of Section 25(d) of TNCF Act and the reliefs B, C, D & E prayed in the suit are barred by law of limitation. The respondents/Plaintiffs have filed the above suit against the defendants 1 to 12 praying the reliefs of partition and to declare sale deeds and rectification deed will not bind over their 3/12 share in the suit properties and also for the relief of permanent injunction restraining the defendants from alienating or encumbering the suit properties. The petitioner/8th defendant is one of the purchasers of a part of the suit properties under a registered sale deed dated 01.08.2018.

b) It is a specific case of the plaintiffs that the suit properties were belonged to one Murugan and after his demise, his sons and daughter succeeded his properties and the plaintiffs and 14th defendant are the legal heirs of one of the sons of the said Murugan and hence they are entitled for partition of their 3/12 share in the suit properties.

c) The plaintiffs have specifically averred in the plaint in para 5 that their demand for partition of the suit properties in the 1st week of August 2023 was not acceptable by the 1st defendant and then only they came to know from verification of encumbrance certificates that the 1st defendant created the sale deed dated 03.09.2001 in favour of her husband, a settlement deed

dated 27.01.2010 has been executed by the 2nd defendant in favour of 3rd defendant and on the basis of the said settlement deed dated 27.01.2010, the 3rd defendant created sale deed dated 01.08.2018 in favour of the 8th defendant.

d) The learned counsel for the Petitioner/8th defendant has argued that the suit in respect of the sale deed dated 03.09.2001, settlement deed dated 27.10.2010, rectification deed dated 13.07.2018 and sale deed dated 01.08.2018 are barred by Article 58 of Limitation Act and the plaintiffs have not explained in the plaint as to how the reliefs B, C, D & E in respect of the above documents are within a period of limitation. In support of his argument, the learned counsel for the petitioner/8th defendant has submitted the following decisions ;

1. High Court of Judicature, Madras in A.C.Raju -vs- C.Prema Raju and another, reported in 2025-3-L.W.41

27. The plaintiff challenged the Settlement Deed not only on the ground of fraud and misrepresentation but also on the ground of undue influence.

28. The plaintiff has appeared before the Registrar's Office and the document is attested by two witnesses. As pointed out earlier, the market value of the property is given as Rs.5 Crores. The executors of the document were identified by the same witnesses who have attested the documents. The plaintiff is not an illiterate lady. In such circumstances, she is bound by the terms of the document by virtue of [Section 92](#) of Indian Evidence Act. This Court is also conscious of the fact that the plaintiff is entitled to take a plea which would invalidate a document. Therefore, the plaintiff cannot be non-suited merely by referring to [Section 92](#) of Evidence Act. [Article 58](#) prescribes 3 years limitation to seek declaration to declare a document as null and void. The cause of action arises when the right to sue first accrued. Learned counsel appearing for the plaintiff respondent relied upon a judgment of Hon'ble Supreme Court in the case of [Thankamma George v. Lilly Thomas](#) and another reported in 2024 SCC Online SC 1673 for the proposition that the starting point for limitation in the case of setting aside sale deed is either the date of execution or the date of knowledge. Therefore, while applying the period of limitation, the date on which the plaintiff had knowledge about the nature of transaction can be taken

as the starting point for limitation. However, this Court, having regard to the facts and totality of circumstances referred to above, is unable to accept the case of plaintiff that she had knowledge about the document just before the filing of the suit. The suit has been carefully drafted so as to bring the suit within limitation by referring to knowledge. It is improbable that the appellant has to misrepresent the plaintiff to get the settlement deed in favour of her daughter. It is not the case of the plaintiff that the daughter has obtained settlement deeds in respect of several properties. As it has been held by Hon'ble Supreme Court in various cases, when on a meaningful reading of the plaint, if the suit is manifestly vexatious and meritless, the Court is duty bound to assess whether clever drafting has created an illusion of a cause of action. By conscious application of mind to the whole plaint and the facts as seen from the documents exhibited in the plaint, this Court is fully convinced that the present litigation is vexatious and presented at the instigation of the elder son of the plaintiff and hence, it should be nipped in the bud.

2. Supreme Court of India in Dahiben vs Arvindhai Kalyanji Bhanusali (Gajra)(D), reported in 2020 0 Supreme(SC) 442.

15.8 The delay of over 5 and ½ years after the alleged cause of action arose in 2009, shows that the suit was clearly barred by limitation as per Article 59 of the Limitation Act, 1963. The suit was instituted on 15.12.2014, even though the alleged cause of action arose in 2009, when the last cheque was delivered to the Plaintiffs.

3. High Court of Madras in Mahindra Wold City Developers, Chennai and another -vs- M.Natarajan and another reported in 2024-4-L.W.37,

“16. Thus, on the averments in the plaint read with documents relied upon, it is clear that the plaintiffs admitted the execution of Exchange Deed dated 18.05.2007 and the Deed of Rectification dated 29.06.2007. Both are registered documents. The case made out in the plaint is that even though the Deeds were executed in the year 2007, till the year 2021 i.e., for 15 years no grievance or objections raised whatsoever till issuance of legal notice dated 21.06.2021 and 01.03.2022. The cause of action invoked is from June 2021 i.e. During the period when the suit property is said to have been measured with the assistance of the Firka Surveyor. Except for the stray wordings, there is no details in the plaint and no documents annexed to the plaint to substantiate the claim and it is only an illusory. The admitted position of the plaintiffs is that a temple situated in the Village encroaching the land and the defendants waived an extent of 0.12 cents of land to the local inhabitants of the village. It is not the case that 87

cents or 92 cents of land are not available in Survey Nos.146/1, 146/2 and 146/3A. The plaintiffs have expressly and unequivocally acknowledged, handing over physical and vacant possession. Correspondingly handing over vacant land of the petitioner. Thus, from the above factual position and the law laid down by the Apex Court in Dahiben's case, the plea taken in the plaint for suppression of fact is wholly misconceived and would not constitute a cause of action for filing the suit. The period of fifteen years after the alleged cause of action in the year 2007 prove the suit is clearly barred by limitation as per Article 59 of the Limitation Act, 1963. Accordingly, the order passed by the Trial Court in I.A.No.2 of 2022 dated 02.03.2024 is set aside and the plaint in O.S.No.100 of 2022 is rejected.”

4. Supreme Court of India in C.S.Ramaswamy -Vs-V.K.Senthil & Ors. On 30 September, 2022

“The respective suits have been filed after a period of 10 years from the date of execution of the registered sale deeds. It is to be noted that one suit was filed by the minor, which was filed in the year 2006, in which some of the plaintiffs herein were also party to the said suit and in the said suit, there was a specific reference to the Sale Deed dated 19.09.2005 and the said suit came to be dismissed in the year 2014 and immediately thereafter the present suits have been filed. Thus, from the averments in the plaint and the bundle of facts stated in the plaint, we are of the opinion that by clever drafting, the plaintiffs have tried to bring the suits within the period of limitation, which otherwise are barred by limitation. Therefore, considering the decisions of this Court in the case of [T. Arivandandam](#) (supra) and other decision of [Raghwendra Sharan Singh](#) (supra), and as the respective suits are barred by the law of limitation, the respective plaints are required to be rejected in exercise of powers under [Order VII Rule 11 CPC](#).”

e) On careful reading of the decision of Hon'ble High Court of Madras, reported in 2025-3-L.W.41 cited above, it is seen that the above decision is related to the suit which was filed by the plaintiffs for the relief of declaration to declare the settlement deed executed by her as null and void and the plaintiffs had filed the above suit on the ground of fraud and misrepresentation after lapse of 3 years and in the above circumstances, the Hon'ble High Court of Madras has held that the suit was barred under Article 58 of Limitation Act; the decision of Hon'ble Supreme Court of India reported in 2020 0 Supreme(SC) 442 is related to the suit in which

the plaintiffs have prayed the relief of cancellation of sale deed on the ground that the sale consideration was not fully paid and the Hon'ble Supreme Court has held after considering the fact that the plaintiffs have themselves admitted the execution of the registered sale deed dated 02.07.2009 that they cannot file a suit after expiry of 5-1/2 years and the suit under Articles 58 & 59 of Limitation Act was barred. Likewise, the another decision cited on the side of the petitioner/8th defendant in C.S.Ramaswamy vs V.K.Senthil and Ors, the Hon'ble Supreme Court of India has held after considering the fact that the plaintiffs themselves executed the sale deed in favour of the defendant on 19.09.2005 that they cannot seek the relief of cancellation of sale deeds after a period of 10 years from the date of execution of registered sale deeds and as such the suit was barred by law of limitation. One another citation of the Hon'ble High Court of Madras reported in 2024-4-L.W.37 is also with regard to suit filed by the plaintiffs for cancellation of documents executed by the plaintiffs themselves after 15 years from the date of execution and hence the Hon'ble High Court of Madras has held that the suit was clearly barred by Article 59 of the Limitation Act.

f) It is to be noted that in the case on hand, the plaintiffs are not the executants of the documents for which the reliefs of declarations are prayed and in fact the plaintiffs have alleged that the defendants 1 to 3 & 5 have created the sale deeds in respect of the suit properties and those documents will not bind the shares of the plaintiffs. Hence, the facts and circumstances of the cases involved in the above decisions cited on the side of the petitioner/8th defendant are entirely different from the facts and circumstances of the present suit and as such the above decisions are not applicable to the present suit.

g) The learned counsel for the respondents/plaintiffs has argued that the question of limitation is a mixed question of law and the fact and hence it can be considered only at the time of trial. In support of his argument, he has relied the following decisions;

High Court of Madras in Anne Coretti Fernando vs Pensita Jeyakumar on 22 October, 2025

15. It is seen from the plaint that the respondent/plaintiff has narrated the events took place from the year 2010 till the filing of the suit. As per the pleadings, there is a cause of action for the suit. The question of limitation is a mixed question of law and the fact and cause of action is the bundle of facts and the same could be proved after elaborate trial. Further, as far as the suppression of material facts and issuance of notices are concerned, the same can be considered only at the time of trial and as such there is no sufficient reasons adduced to reject the plaint. Upon hearing either side and perusing the plaint averments, the Court below has rightly dismissed the application and there is no reason to interfere with the order of the Court below.

High Court of Madras in R.Udayakumar vs R.Sivakumar on 6 December, 2024.

10. Whether the declaration is barred by law of limitation; whether the date of knowledge was, as stated by the respondent or not shall be decided only after trial. The partial plaint cannot be rejected. As rightly observed by the trial Court, the limitation point is mixed facts and question of law and the same shall be decided after trial.

h) It is clear from the above decisions that the factum of suit being barred by limitation would be a mixed question of fact and law and the plaint cannot be rejected without trial of the suit. As stated above, the respondents/Plaintiffs have clearly averred in the plaint that they came to know the existence of the suit mentioned documents only in the 1st week of August 2023 when the 1st defendant declined to make partition of properties. Whether the plaint averments about the date of knowledge with regard to the documents is true or not can be determined only after examination of parties to the suit at trial.

i) The learned counsel for the petitioner/8th defendant has pointed out that the respondents/Plaintiffs have not mentioned the date on which they gained knowledge about the sale deeds and hence it is to be construed that there is no cause of action for filing of the suit. It is clear from perusal of the decision cited on both sides that the cause of action for filing a suit would consist of bundle of facts and the averments made in the plaint in their entirety and the documents relied upon to be carefully considered for deciding the application U/o VII Rule 11 of CPC. It has also been clearly held that it is not permissible to cull out a sentence or a passage in the plaint and the averments in the written statement as well as the contents of the defendants are wholly immaterial while considering the prayer of the plaint for rejection of the plaint. Merely because the plaintiffs failed to mention the date of knowledge of the documents in question in cause of action paragraph in the plaint, it cannot be considered as no cause of action for filing of the suit when the plaintiffs have averred the same in the other paragraphs. Considering the entire aspects, this court is of the view that there are sufficient averments in the plaint with regard to cause of action for filing the suit within the period of limitation from the date of knowledge and hence the question of limitation being a mixed question of law and fact, it can be decided only at trial.

j) The one another ground raised by the petitioner/8th defendant for rejection of plaint is that the plaintiffs have not paid proper court fee for the reliefs of declarations in respect of the documents relied in the plaint. The plaintiffs have valued the reliefs of declarations in respect of the documents Under section 25(d) of TNCF Act. The plaintiffs are not the parties to the documents referred in the plaint. It is a well settled law that when the plaintiffs are not a party to the documents, they cannot be insisted to value and pay court fee Under section 40 of TNCF Act for the relief of

declaration to declare that the documents will not bind them. Hence this court is of the view that the plaintiffs have properly valued the reliefs and paid court fee Under section 25(d) of TNCF Act for the reliefs of declarations prayed in the suit. In the above circumstances, this court is of the view that the application filed by the petitioner/8th defendant for rejection of plaint has no merit and liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. There shall be no order as to cost.

Dictated by me to the Steno-typist and typed by her in the computer, corrected and pronounced by me in the open court, on this the 03rd day of December 2025.

I Additional District Judge,
Ranipet.