

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS  
JUDGE, THANJAVUR.**

**Present :Thiru. P.Nagarajan, M.A.,M.L.,  
II Additional District & Sessions Judge, Thanjavur.**

**Thursday the 2nd day of April 2026  
(Thiruvalluvar Aandu 2057- Panguni Matham 4th day)**

**IA No.5/2026 in O.S. No.192/2023**

- 1) Pandian
- 2) Surekha
- 3) Hemalatha

.....Petitioners/13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>

defendants

/Vs/

- 1) Sundaralakshmi (died)
- 2) Susila

....Respondents 1, 2/Plaintiffs 1, 2

- 3) Ashok kumar
- 4) Anushya
- 5) Yasodha
- 6) Prema
- 7) Devaki
- 8) Jeyapredha
- 9) Umal Hashina
- 10) Hemalatha
- 11) Sumathi
- 12) Balaji
- 13) Divya
- 14) Srinivasan
- 15) Sub-Registrar, Vallam
- 16) The District Collector, Thanjavur

.... Respondents/Defendants

This petition having come up for final hearing before me on 18.03.2026 in the presence of Thiru.**S.Suresh**, Advocate for the Petitioners/13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> defendants and of **Thiru.G.Suthakhar**, Advocate for the Respondent 2/Plaintiff 2 and upon hearing the arguments of both sides, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

**ORDER**

(1) This petition filed by the petitioners/13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> defendants under Order 7 Rule 11 of CPC. to reject the plaint against the 13, 14, 15 defendants in the original suit has to be rejected.

**(2) The Gist of the affidavit filed by the petitioners/13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> defendants along with the petition can be stated as follows:**

The petitioner herein and the 13th defendant in the original suit. The 12th respondent is his father who died pending suit on 03.11.2025. The 15th defendant is his sister Hemalatha and the 14<sup>th</sup> defendant Surekha is the daughter of the 15<sup>th</sup> defendant Hemalatha. This petitioner filed this petition for himself and on behalf of the other petitioners/defendants i.e., Surekha and Hemalatha. The 1<sup>st</sup>

respondent herein filed this suit for partition and separate possession of her share in the suit properties. Pending suit she died after her death her only daughter Susila was impleaded as party to the suit. The suit property was purchased in the name of his mother Nirmala on 20.05.1988. The said Nirmala after getting permission from the relevant authorities formed a Nagar called Valluvar Kottam. Then Nirmala becomes the absolute owner of the entire extent of the suit properties of 4 acre 83 cents. The said Nirmala obtained patta in her name and enjoyed the property of her own by holding the revenue records in her name and the Valluvar Kottam was duly approved by the Pillaiyarpatti Panchayath. The The president of Village Panchayath has also issued no objection certificate to the Sub Registrar Vallam to sell the plots in Valluvar Kottam Nagar and there are 68 plots in Valluvar Kottam Nagar. They are in joint possession and enjoying the suit properties. i.e., 68 plots in Valluvar Kottam Nagar state on ground the property has been converted into layout. We filed an application before the Regional Deputy Thasildar, Thanjavur for change of patta in their name. Then Devaki the 5<sup>th</sup> Defendant herein in the suit tried to disturb our possession and enjoyment of the suit properties which resulted us to file a suit

against her in O.S. No.365/2019. In the suit Devaki filed statement and failed to participate in the trial and avoided the box. Then a decree and judgment was passed in our favour on 20.08.2024. The entire property was conveyed in favour of his mother in the year 1988 itself. Neelavathi D/o.Munusami Reddiyar and Aadhilakshmi Ammal died on 12.10.2009 leaving behind 3 daughters and a son namely 1) Devaki 2) Yasodha 3) Prema and 4) Sanjeevi Rajulu. Yasodha, Prema, Sanjeevi Rajulu and the Plaintiff Sundaralakshmi executed a document styled as release deed on 05.02.2016 Document No.288/2016 in favour of Devaki. Devaki probably taking advantage of the above said release deed tried to disturb our possession of the suit properties. Pending suit Sundaralakshmi died. Her only daughter Susila and has been impleaded as party to the suit after her death. The sundaralakshmi by way of executing a release deed in favour of Devaki relinquishes her right to claim over the properties. Likewise her daughter Susila who signed as a witness and who is aware of the execution of the release deed has also relinquishes her right if any. Hence the suit filed by them is not maintainable in law. The mother of 1<sup>st</sup> petitioner Nirmala purchased the properties in the year 1988 itself. Now after a lapse of 35 years the plaintiff has filed a suit for

partition and also for declaration declaring that the sale in favour of Nirmala is null and void and unenforceable. All the documents are by way of a registered instrument and she is not supposed to say that she was not aware of the documents and the registration of the documents will be deemed to be notice to them and the document will bind the plaintiff at any cost and to their knowledge we become the adverse owners of the properties. The respondents 3 to 13 are colluding with the plaintiffs 1 and 2 with the intention to grab our property by all means and also created some self serving documents among them which has been reflected after the suit. They may try to drag the matter any any cost. Their claim is not maintainable as per law. Hence the suit is barred by limitation. Hence pass an order to reject the plaint and pass suitable orders.

**(3) Crux of the Counter filed by the 1st respondent/plaintiff:**

The plaint filed by this respondent clearly sets forth the cause of action for the suit. When the petitioner filed a written statement in this case, no contention was raised asserting that the suit lacked a cause of action, nor was it argued that the suit should be dismissed on such grounds. The petitioner's belated assertion made without

providing any valid justification that the suit lacks a cause of action is not legally tenable. Regarding the contention in the plaintiff's plaint that this suit is not barred by limitation, it is noted that the plaintiff, having inspected the suit property and subsequently become aware of the encumbrances created by Defendants 1 through 15 in the original suit, filed a complaint petition with the District Superintendent of Police on April 24, 2023. Since the plaintiff filed the suit immediately upon discovering that Defendants 1 through 15 had colluded fraudulently to create encumbrances on the suit property, the suit is not barred by limitation. This petition is not legally maintainable for adjudication, nor does it possess any valid legal grounds for its filing. Therefore, it is prayed that the plaintiff's original suit be allowed and appropriate orders be issued.

**(4) Points for consideration:**

Whether this petition has to be allowed?

**(5) Answer the Point:**

This court to be decided that the petition filed by the petitioner is allowed or not. The learned counsel for petitioner/defendant 13, 14 and 15 submitted that the suit is filed by the respondent 1 and 2

/plaintiff without cause of action. The limitation period even though after signing the release deed in the Registrar Office on 05.02.2016 by the 1<sup>st</sup> respondent which was witnessed by the 2<sup>nd</sup> respondent/plaintiff. The cause of action stated in the plaint is not valid one. Hence no cause of action made out hand in glow with Devaki the 1st Respondent filed the suit earlier proceeding regarding the suit was totally known to the 1<sup>st</sup> respondent/plaintiff. After disposal of the suit the present suit was filed in the year 2023 which is not maintainable and in further submit that rejection of plaint can be filed at any time. The reason stated in the affidavit are supported by document already the 1<sup>st</sup> respondent release and rights of the suit property. After releasing the suit property in the year 2016 the present suit is filed only in the year 2023. Hence the suit is not maintainable. The 1<sup>st</sup> plaintiff and 2<sup>nd</sup> plaintiff are not minors. Learned persons both of them upon their wishing executed the release deed, after receiving the consideration in the year 2016. The suit is filed only in the year 2023 which is beyond the limitation period and the cause of action stated in the plaint is not supported. Hence no cause of action. Prayed for allowing the application. The rejection of plaint can be filed before to trial at any point of time.

5(i) In contra the counsel for 1 and 2 respondents submitted that the facts in para No.1 alone and other facts are not acceptable. The rejection of plaint is to be filed before filing written statement the petition is not maintainable. Cause of action detaily stated in the plaint. In written statement it was not stated that there is no cause of action, no reason stated in the delay of filing this application. The petition is not proper and filed belatedly. All the benefits are not stated in the written statement but filed with this petition is not acceptable, prayed for dismissal.

5(ii) From the perusal it is found that the 1 and 2 respondents are mother and daughter who executed release deed in favour of the petitioners/13, 14 and 15 respondents. Registered documents on which the respondents 1 and 2 singed. Respondent 1 is an Executor. The respondent 2 signed as witness. But the deed executed in the year 05.02.2016. All are residing in the same place. In the earlier proceedings was disposed, from the perusal of documents. The present suit is filed beyond the limitation period of 3 years. Just by making a complaint to the Superintendent of Police, Thanjavur. There is no explanation or detailed agitation against the cause and

reasons mentioned in the petition. Regarding the patta problem there was an enquiry and in another OS.365/2019 filed and decreed on 20.08.2024. The execution of deeds are not denied by Adhilakshmi, Kaliaperumal, Neelavathi and by Janaki Raman also. For the release of Rs.2,75,00,000/- transferred. From the documents of the petitioners it is found that the release deed took place in the year 2016. There is no specific reason for belated filing the original suit. Now a days the rigid rule of filing rejection of plaint is diluted. Trial of the suit was not yet open. At this juncture filing of rejection of plaint is not curtailed. From the above clarification it is found that the release deed executed in the year 2016. Actual limitation stops in the year 2019. but the original suit is filed in the year 2023 alone beyond the period of limitation and the limitation period was not properly explained in the plaint and in the counter. Therefore the objection raised by the petitioners in the present petition is acceptable one. Hence the petition is to be allowed for limitation period and party to the document. Hence therefore in final the petition is allowed. Suit is rejected without cost.

In the result, the petition is allowed, suit in OS.192/2023 is rejected without costs.

Dictated to the Steno-Typist, transcribed by her in computer, corrected and pronounced by me in open court, this the **2<sup>nd</sup> day of April 2026.**

**II Additional District & Sessions Judge,  
Thanjavur.**

Petitioners and Respondents side  
Exhibits and witnesses: Nil

**II Additional District & Sessions Judge,  
Thanjavur.**

**Order in**

**I.A.NO.5/2026 IN**

**O.S.NO.192/2023**

**DATED:02.04.2026**