



WEB COPY



C.R.P. No. 1294 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 1294 of 2026

&

C.M.P. No. 6324 of 2026

Mrs. Maheswari

..Petitioner

Vs.

Mrs. Sarashwathy

..Respondent

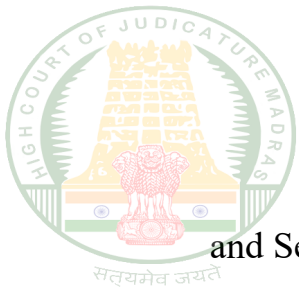
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the order dated 22.01.2026 passed in I.A. No. 9 of 2025 in O.S. No. 8498 of 2021 by the VII Additional City Civil Court, Chennai.

For Petitioner :: Ms.M. Santhanamari

For Respondent :: Mr.R. Ramesh

O R D E R

This civil revision petition has been filed challenging the impugned order dated 22.01.2026 passed by the VII Additional District



C.R.P. No. 1294 of 2026

and Sessions Judge, City Civil Court, Chennai in I.A. No. 9 of 2025 in O.S.

WEB COPY No. 8498 of 2021.

2. By the aforesaid order, the application filed by the petitioner, who is the defendant in the suit, seeking for rejection of plaint under Order VII Rule 11(a) and (d) CPC has been dismissed.

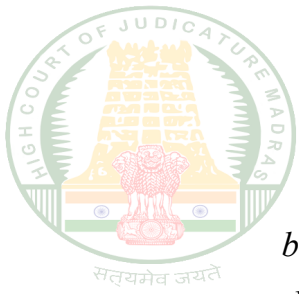
3. The contention of the petitioner before the Trial Court as well as before this Court is that she received only a sum of Rs.3,00,000/- from the respondent/plaintiff based on a mortgage deed and she has already repaid the said amount to the respondent/plaintiff.

4. The Trial Court, while dismissing the application filed by the petitioner, has made the following observations:

(a) *The petitioner/defendant admits making an endorsement but claims that no amount was received as per the endorsement in the mortgage deed;*

(b) *The contentions of the petitioner as raised in the application filed under Order VII Rule 11 CPC that she received only a sum of Rs.3,00,000/- from the respondent/plaintiff and the contention of the petitioner that the respondent/plaintiff had played fraud upon her can be decided only after trial and not in an application filed under Order VII Rule 11 CPC;*

(c) *The mortgage is of the year 2014 and the suit has*



C.R.P. No. 1294 of 2026

WEB COPY

been filed in the year 2021. The petitioner/defendant has claimed that the suit is barred by limitation. Being a mortgage suit and the suit having been filed within a period of 7 years from the date of mortgage, the question of limitation will not arise;

(d) All the grounds raised by the petitioner/defendant can be decided only after both parties let in evidence and it cannot be decided in an application filed under Order VII Rule 11 CPC seeking for rejection of plaint.

5. This Court has also perused the plaint averments as well the documents produced along with the plaint. As seen from the mortgage deed, a sum of Rs. 6,00,000/- is said to have been advanced by the respondent/plaintiff to the petitioner/defendant, which is disputed by the petitioner/defendant. According to the petitioner/defendant, she had borrowed only a sum of Rs.3,00,000/- from the respondent/plaintiff and she had also repaid the same. When there are disputed questions of fact involved, the same cannot be decided through an application filed under Order VII Rule 11 CPC. The question of limitation is also a mixed question of fact and law. In fact, in the impugned order, the Trial Court has rejected the contention of the petitioner/defendant that the suit is barred by limitation after observing that the mortgage is of the year 2014 and the suit has been filed in the year 2021. All the grounds that have been agitated in this civil



C.R.P. No. 1294 of 2026

ABDUL QUDDHOSE,J.

WEB COPY

nv

revision petition can very well be agitated by the petitioner/defendant in the main suit and the same cannot be agitated through an application filed under Order VII Rule 11 CPC.

6. For the foregoing reasons, this Court is of the considered view that the Trial Court has rightly dismissed the application filed by the petitioner under Order VII Rule 11 CPC. Since there are no merits in the civil revision petition, the same stands dismissed.

7. Since the suit is of the year 2021, this Court directs the VII Additional District and Sessions Judge, City Civil Court, Chennai to dispose of the suit in O.S. No. 8498 of 2021 within a period of one year from the date of receipt of a copy of this order. No costs. Connected C.M.P. is closed.

14.07.2026

nv

To

The VII Addl. District and Sessions Judge,
City Civil Court, Chennai.

C.R.P. No. 1294 of 2026