



SA No. 800 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 800 of 2025
and CMP.No.30342 of 2025**

Rangasamy (Died),

Rammathal (Died),

1.Balamurugan

2. Selvamani

Appellant(s)

Vs

Kannammal

Respondent(s)

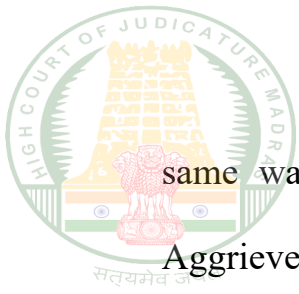
For Appellant(s): Mr.P.Valliappan, Senior Counsel
for M/s.PV Law Associates

For Respondent(s): Mr.C.Deepak Kumar

ORDER

Challenging the reversal order passed by the I Additional Subordinate Judge, Coimbatore, the defendants have preferred this appeal.

2. Before the Trial Court, the defendants filed a petition under Order 7 Rule 11 of CPC and the same was allowed. Challenging the said order, the plaintiff preferred A.S.No.14 of 2021 before the first appellate Court and the



same was allowed and the petition filed by the defendant was dismissed.

Aggrieved over the same, the present appeal has been filed.

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3. The learned counsel for the appellants relied on the judgment of the Supreme Court in ***Shri Mukund Bhavan Trust and others vs. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsie and another***, reported in 2024 SCC OnLine SC 3844, and submits that the lower appellate Court failed to consider that the Trial Court considered the plaint averments and documents, and decided the issue related to Order 7 Rule 11 and not by appreciating the defence of the defendants/appellants. The relevant paragraph of the said judgment reads as follows:

“18. Continuing further with the plea of limitation, the Courts below have held that the question of the suit being barred by limitation can be decided at the time of trial as the question of limitation is a mixed question of law and facts. Though the question of limitation generally is mixed question of law and facts, when upon meaningful reading of the plaint, the court can come to a conclusion that under the given circumstances, after dissecting the vices of clever drafting creating an illusion of cause of action, the suit is hopelessly barred and the plaint can be rejected under Order VII Rule 11. In the present case, we have already held that 02.03.2007 is a fictional date. It is not a case where a fraudulent document was created by the appellant or his predecessors. The title of the suit property as observed by us earlier was conveyed in 1938 and 1952, and what transpired later by way of compromise



was only an affirmative assertion by the State. While so, the prayer (a) made in the suit relates to declaration to the effect that the Respondent No.1 is the owner of the suit properties.”

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4.This Court admits the Second Appeal on the following substantial questions of law:

a) Whether the Lower Appellate Court is correct in law in not considering that the plaint averments and the plaint documents are suffice to prove that the suit is barred by limitation?

b) When the fact that the suit is barred under Article 59 of the Limitation Act, 1963 is apparent and no detailed enquiry is required, whether the Lower Appellate Court is correct in law in taking a contrary view, by misconstruing the provisions of Order 7 Rule 11 of the Code of Civil Procedure?

5. Issue notice to the respondents, returnable by 22.01.2026.

6. Post the appeal on 22.01.2026.

7. Till then, the order passed by the I Additional Subordinate Court, Coimbatore, is ordered to be stayed.

04-12-2025

pvs
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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T.V.THAMILSELVI J.
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