

C.R.P.(MD)No.639 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.639 of 2026

and

C.M.P.(MD)Nos.2980 of 2026

1.S.Duraisamy @ Muthupandi

2.S.Kasipandiyan

... Petitioners

vs.

1.V.Durairaj

2.V.Arunachalam

3.Vellaithurai

4.V.Muthuthuraichi

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to call for the records pertaining to the Ex and Fair order, dated 09.12.2025 passed in I.A.No.3 of 205 in O.S.No.326 of 2024 by the learned Additional District Court, Tenkasi and to set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Rajamohan



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ORDER

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The Civil Revision Petition challenges the order passed in I.A.No.3 of 2025 in O.S.No.326 of 2024 on the file of the learned Additional District Judge at Tenkasi.

2. For the sake of convenience, the parties shall be referred to as per their ranks in the plaint.

3. The Civil Revision petitioners are the defendants in the suit. The plaintiffs presented O.S.No.326 of 2024 seeking the relief of declaration and permanent injunction.

4. According to them, the suit schedule mentioned property has come down into their hands by virtue of arrangements amongst their predecessors in title/ancestors. They had issued notice to the defendants, calling upon them not to cast a cloud over their title or in any manner interfere with their possession. They were also aggrieved by the fact that two documents had been executed *inter se* between the parties on 17.02.1975 and 21.06.2024. The plaint further proceeds to state that, on coming to know that the defendants are



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attempting covet the property of the plaintiffs, they issued a notice in the suit on 20.11.2021. In view of the continuing interference by the defendants, the plaintiffs have come forward with the suit.

5. Summons were served on the defendants.

6. The defendants filed an application in I.A.No.3 of 2025, seeking rejection of plaint. According to them, they claimed the title through the document dated 06.02.1938 and the subsequent document dated 17.02.1975. As more than 49 years have lapsed from the date of execution of the registered documents, the plaintiffs do not have a claim. In any event, they pleaded that the suit is barred by time.

7. This application was stoutly resisted by the plaintiffs by filing a detailed counter. In the counter, they pleaded that both the documents are null and void and not binding on them, as they are not parties to the same. More importantly, they urged that, in matters of rejection of plaint, the Court would have to be confined to the four corners of the averments made in the plaint.



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8. The learned Trial Judge on consideration of the petition and counter, dismissed the petition for rejection of plaint. Hence, this Revision.

9. I heard Mr.R.Rajamohan, in support of the Revision.

10. The learned Counsel reiterated the contentions set forthwith in the affidavit in support of the rejection of the plaint. In particular, he pressed the point that the documents, having been executed at least 49 years earlier, the cause of action that has been pleaded in the plaint is illusory. He further urged that the plea of the plaintiffs that they came to know about the documents only in the year 2021, is a patently false one and that the Trial Judge ought to have appreciated the situation and rejected the plaint.

11. I have carefully considered the submissions of the learned Counsel and have gone through the records.

12. There are two insurmountable difficulties that are faced by the petitioners. The first being that in matters of rejection of plaint, a Court cannot travel beyond the four corners of the plaint. Being a



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plea in *demurrer*, while dealing with an application for rejection of
plaint, the Court considers the averments made in the plaint to be
true and thereafter decides whether the plaint is liable to be rejected
or not.

13. The specific case of the plaintiffs is that they were not aware
of the documents on the basis of which the defendants are staking a
claim, and that they came to know of the same, only when the
defendants *inter se* got the documents executed in the year 2024.
When a specific plea is taken in the plaint that the documents relied
upon by the defendants are not binding on the plaintiffs, as they were
not aware of the same, this Court cannot assume that they were
aware of them and they had kept quiet.

14. Insofar as the 2nd plea on limitation is concerned, the
reading of the plaint discloses that the plaintiffs had explained the
reason for moving the Court in 2025. It was on account of the fact
that the documents *inter se* the defendants came to be executed only
in the year 2024. Even earlier, they had issued a suit notice in the
year 2021.



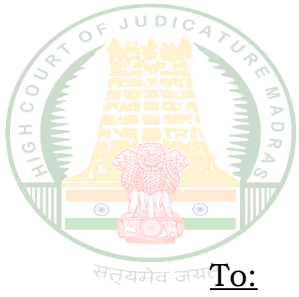
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15. Limitation is a mixed question of law and fact. A plaint, can no doubt, be rejected on the ground of limitation, if reading of the plaint itself discloses that the suit is barred. However, where limitation is taken as a defence, in terms of Order VIII Rule 3, it has to be specifically pleaded by the defendants. Only if the reading of the plaint itself discloses that the suit is barred, the Court is entitled to invoke its power under Section 3 of the Limitation Act and hold that the suit is liable to be rejected as it is barred by time. The plea of the defendants that the plaintiffs and their predecessors were aware of the documents executed in the year 1938 and 1975, is a matter which requires pleadings and consequential evidence. In a case that requires pleadings and evidence, it is not a fit case for rejection of plaint.

16. Leaving it open to the defendants to urge the plea of limitation as well as acquiescence in the written statement, this Civil Revision Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To:

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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
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