

CRP(MD) NO. 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-01-2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P(MD) No.21 of 2026

1.A.Sundaram

2.Athisaya Ganesan

3.Thirumanichelvan

Petitioner(s)

Vs

Jeya Rathi

Respondent(s)

For Petitioner(s):

M/s.A.S.Neya
for G.Anto Prince

Prayer:

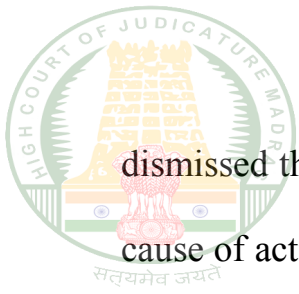
J-36. Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the decretal order and fair order passed in IA No.1 of 2024 in OS No.23 of 2024 dated 10.09.2025 on the file of the Subordinate Court, Valliyoor, Tirunelveli District and allow the Civil Revision Petition.

ORDER

This Civil Revision Petition has been filed challenging the order passed in I.A.No.1 of 2024 in O.S.No.23 of 2024. dated 10.09.2025 by the file of the Subordinate Court, Valliyoor, Tirunelveli District.

2. The brief facts are as follows:

The revision petitioners, who are the defendants in the suit, has filed an application to reject the plaint under Order VII Rule 11 of CPC and the trial Court has



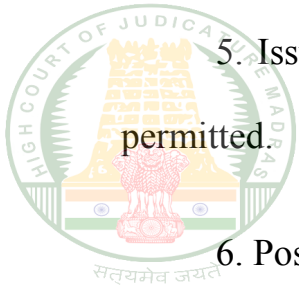
dismissed the said application on two grounds namely barred by limitation and there is no cause of action.

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3. M/s.A.S.Neya, learned counsel appearing for the revision petitioners submits that the trial Court has not considered that the law laid down by the Hon'ble Supreme Court reported in ***Dahiben Vs. Arvindbhai Kalyanji Bhanusali reported in (2020) 7 SCC 366***, in which, the Supreme Court has taken into consideration that the suit cannot be filed to cancel the sale deed on the ground that there is no sale consideration was paid, for which, paragraph 29.9 of ***Dahiben's case (cited supra)*** is extracted here under:

29.9. In view of the law laid down by this Court, even if the averments of the plaintiffs are taken to be true, that the entire sale consideration had not in fact been paid, it could not be a ground for cancellation of the sale deed. The plaintiffs may have other remedies in law for recovery of the balance consideration, but could not be granted the relief of cancellation of the registered sale deed. We find that the suit filed by the plaintiffs is vexatious, meritless, and does not disclose a right to sue. The plaint is liable to be rejected under Order 7 Rule 11(a).

4. The learned counsel, further relied upon the judgement of the ***Hon'ble Supreme Court in Vidhyadhar Vs. Manikrao and another reported in 1999(3) SCC 573***, wherein it was held that non-payment of a part of the sale price would not affect the validity of the sale and that once the title in the property has already passed, even if the balance sale consideration is not paid, the sale could not be invalidated on this ground.



5. Issue notice to the respondents returnable by 10.02.2026. Private not



permitted.

6. Post the matter on 10.02.2026.

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