2026:MHC:3658

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.09.2026

Pronounced on : 08.09.2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 4690 of 2025 and CRP No. 4702 of 2025
and
CMP Nos. 23748, 26951 and 23769 of 2025,

CRP No. 4690 of 2025

1. Anuradha Bhaskar

2.B.Dhanvanth

Petitioner(s)

Vs

1.Dr.P.Venkat

2.Dr.A.Panneer

3.M/s Ucon Pt Structural Systems Pvt.,
Ltd.,
Rep by its Director P.Jayakumar
S/o P.Parasuraman,
Having office at No.45, 5th Street,
Padmanaba Nagar,
Adyar, Chennai 600 020.

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.09.2025 made in IA.No. 01 of 2025 in OS.No. 242 of 2024, passed by the learned Subordinate Judge, Madurantakam.

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For Petitioner(s): Mr.Chenthoori Pugazendhi

For Respondent(s): Mr.S.Prem Auxilian Raj
for R1
Mr.Dhanaram Ramachandran
for R2 & R3

CRP.No.4702 of 2025

Dr.A.Panneer

Petitioner(s)

Vs

1.Dr.P.Venkat

2.Anuradha Bhaskar

3.B.Dhanvanth

4.M/s.Ucon PT Structural Systems Pvt. Ltd.,
Rep.by its Director P.Jayakumar
S/o.P.Parasuraman, Having office at
No.45, 5th St, Padmanaba Nagar,
Adyar, Chennai – 600 020.

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 4.9.2025 made in IA.No.2/2025 in OS.No.242/2024 passed by the learned Subordinate Judge, Madurantakam.

For Petitioner(s): Mr.Dhanaram Ramachandran

For Respondent(s): Mr.S.Prem Auxilian Raj
for R1
Mr.Chenthoori Pugazendhi
for R2 & R3
Mr.Jayasakthi for R4

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COMMON ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India by the petitioners/defendants 1 to 3 challenging the fair and decreetal Order passed by the Court below in IA.Nos.1 and 2 of 2025, in OS.No.242 of 2024, on the file of the learned Subordinate Judge, Madurantakam, dated 04.09.2025, dismissing the applications filed under Order VII Rule 11 of CPC, for rejection of plaint.

2.As against the Order passed rejecting the application filed under Order VII Rule 11 CPC, only a revision under Section 115 of CPC, is maintainable and therefore this Court converted the Civil Revision Petition filed under Article 227 of the Constitution of India into one under Section 115 of CPC, and heard both sides.

3.The 1st respondent in both the petitions is the plaintiff who filed the suit in OS.No.242 of 2024, seeking for the relief of permanent injunction restraining the 2nd and 3rd defendants from in any manner alienating or encumbering the suit properties and for a declaration to declare the settlement deed dated 23.04.2004 executed by the 1st defendant in favour of the 2nd defendant and the settlement deed dated 01.10.2009 executed by the 2nd defendant in favour of the 3rd defendant as null and void and non-est in the eye of law and not binding on the plaintiff.

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4.The 1st respondent/plaintiff sought for the above relief on the cause of action that on 24.12.1959, the 1st defendant entered into a partition deed and on 04.04.1966 when the 1st defendant executed the registered exchange deed. Thereafter on 24.08.1967, sale deed was executed in favour of one Thaiyanayaki Ammal on 24.08.1967 and the said Thaiyanayaki Ammal executed a Will dated 14.06.1982 bequeathing the suit properties in favour of the plaintiff. Thereafter, the said Thaiyanayaki Ammal died on 16.11.1984. Thereafter, the 1st defendant executed cancellation of the partition deed on 05.04.1999 and entered into a fresh partition deed on 12.04.1999 where the plaintiff and others were also parties. The grievance of the plaintiff is that the 1st defendant executed a settlement deed in favour of the 2nd defendant on 23.04.2004 and the 2nd defendant executed a settlement deed in favour of the 3rd defendant on 01.10.2009 and dealt with the suit properties without any right or title and the same came to the knowledge of the plaintiff during the first week of June 2024 when the 2nd defendant was attempting to sell the land in Survey No.154/1. It is under these circumstances, the suit came to be filed before the Court below.

5.The 1st defendant filed IA.No.2 of 2025 and the 2nd and 3rd defendants filed IA.No.1 of 2025 for rejection of plaint mainly on the ground that on a plain reading of the plaint, the relief sought for in the suit is hopelessly barred by limitation.

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6.The Court below on considering the grounds raised by the defendants and the reply given by the plaintiff, came to a conclusion that the issue of limitation is a mixed question of fact and law and the plaint clearly makes out a cause of action and therefore, the suit cannot be dismissed at the threshold. Aggrieved by the said order, these Civil Revisions have been filed before this Court by defendants 1 to 3.

7.The main ground that was urged on the side of the petitioners is that the two documents against which the plaintiff had sought for the relief of declaration are registered documents and therefore constructive notice under Section 3 of the Transfer of Property Act, 1882, will come into play and the suit ought to have been filed within three years from the date on which the right to sue accrues under Article 58 of the Limitation Act, 1963 and not from the date of knowledge which is provided only under Article 59 of the Limitation Act, which will apply only for cancellation or setting aside an instrument or decree. Apart from that, the plaintiff was aware regarding the share to which the 2nd defendant was entitled when the partition deed dated 12.04.1999 was entered into and therefore, the suit is clearly barred by limitation even on this ground. It is further contended that the plaintiff had conveniently concealed the Will dated 27.04.1983, executed by Thaiyanayaki Ammal in favour of the 2nd defendant and this Will was acted upon and the defendants were in possession and enjoyment of the property. According to the defendants, the present suit is an

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abuse of process of Court since the suit was instituted only after the 1st defendant in the suit initiated proceedings under the Senior Citizens Act, against the plaintiff for not taking care of him.

8.Per contra, the learned counsel for the 1st respondent/plaintiff submitted that the Court below has dealt with each and every ground that was raised on the side of the defendants and the Court below came to a conclusion that based on the averments made in the plaint, there was a cause of action and the issue of limitation is a mixed question of fact and law and the objections raised on the side of the defendants can be considered only after the completion of trial. Accordingly, the learned counsel sought for the dismissal of these Civil Revision Petitions.

9.When an application is filed for rejection of plaint on the ground that the relief is barred by limitation, the Court has to see the averments that have been made in the plaint and the documents filed along with the plaint and assess whether any fictional cause of action has been created only to overcome the bar of limitation and in such a case, the Court can always reject the plaint in order to ensure that such unsustainable suits are nipped in the bud. Useful reference can be made to the judgments of the Apex Court in ***Shri Mukund Bhavan Trust and Others v. Shrimant Chhatrapati Udayanraje Pratapsinh Maharaj Bhonsle and Another*** reported in ***2024 15 SCC 675*** and ***Indian Evangelical***

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Lutheran Church Trust Association .v. Sri Bala & Co., reported in ***2025 SCC Online SC 48***.

10.This Court must also bear in mind that every document that is registered, will give rise to constructive notice from the date of registration and therefore, the Court must assess the fact as to whether the plaintiff could have discovered by due diligence the factum of registration of the documents in which case deemed knowledge can be attributed to the plaintiff. Useful reference can be made to the judgment of the Apex Court in ***Dilboo (dead) by Lrs.,*** v. ***Dhanraji (dead) and Others*** reported in ***2000 7 SCC 702.***

11.In the case in hand, the plaintiff is none other than the son of the 1st defendant and the brother of the 2nd defendant and the 3rd defendant is the son of the 2nd defendant. Even as per the short and long cause title in the suit, the address of both the plaintiff as well as defendants 1 to 3 is mentioned as Old No.23 New No.27, North Street, Sri Ram Nagar, Alwarpet, Teynampet, Chennai-600 018. The plaintiff and the 1st defendant who are the son and father are doctors by profession. Thus, everyone was living under the same roof.

12.In the plaint, the plaintiff has averred that during the first week of June 2024, a representative of the 4th defendant approached the plaintiff and informed that the Company is proposing to buy the land in Survey No.154/1 measuring

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6.40 acres from the 2nd defendant. The plaintiff claims that only thereafter he came to know about the registered settlement deed dated 23.04.2004 executed by the 1st defendant in favour of the 2nd defendant and the registered settlement deed dated 01.10.2009 executed by the 2nd defendant in favour of the 3rd defendant. He thereafter applied for the certified copy of the documents after getting the encumbrance certificate and filed the suit.

13.Based on the averments made in the plaint, this Court has to see whether the plaintiff has attempted to create an illusion of cause of action by pleading that he came to know about the two registered documents only in the year 2024 and thereby he is attempting to overcome the bar of limitation, As held by the Apex Court in various judgments, the Court must ensure that the astute drafting of a plaint creating an illusory cause of action, must be nipped in the bud without making the defendants undergo the ordeal of facing a trial.

14.Whenever a document is registered, the date of registration becomes the date of deemed knowledge/constructive notice under Section 3 of the Transfer of Property Act. Thus strictly speaking Article 58 of the Registration Act, will come into play and the time will start ticking from the day the right to sue first accrues which is the date of registration of the document.

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15.Article 59 of the Limitation Act, which deals with cancellation or setting aside an instrument or decree talks about three years from the date of knowledge. Both these articles operate in difference fields.

16.As stated supra, all the parties are residing under the same roof and therefore, the stand taken by the plaintiff as if he came to know about the registered settlement deeds only in the year 2024, is too difficult to swallow. It is a fact which the plaintiff could have easily discovered by due diligence and therefore, deemed knowledge should be attributed to the plaintiff because the plaintiff cannot be allowed to extend the period of limitation by merely claiming that he had no knowledge till the year 2024.

17.If litigants are allowed to challenge registered documents and seek for declaration by merely making an averment that it came to their knowledge only at a later point of time, a suit can be filed by cleverly drafting the plaint and create illusions of a cause of action and get over the period of limitation. This Court can understand if such a plea is taken by a third party whose property is dealt with without his knowledge and he comes to know about the same at a later point of time. In the case in hand, the plaintiff is none other than the son of the 1st defendant and the brother of the 2nd defendant and therefore, the Court has to necessarily attribute deemed knowledge to the plaintiff since the plaintiff could have easily discovered the registration of those documents by due

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diligence.

18. This Court reminds itself of the judgment of the Apex Court in ***T. Arivandandam v. T.V. Satyapal and Another*** reported in ***1977 4 SCC 467,*** where the Apex Court held that if on a meaningful reading of the plaint, it is manifestly clear that a clever drafting has created the illusion of a cause of action, such plaint has to be nipped in the bud at the first hearing.

19.This Court also takes into consideration the judgment of the Apex Court in ***Madanuri Sri Rama Chandra Murthy v. Syed Jalal*** reported in ***2017 13 SCC 174,*** where it was held that on a reading of the averments of a plaint as a whole, the suit is found to be barred by any law including the law of limitation, the plaint has to be rejected so that a bogus litigation will end at the earliest stage.

20.The above law was reiterated by the Apex Court in ***C.S. Ramaswamy v. V.K. Senthil and Others*** reported in ***2022 SCC Online SC 1330,*** where the plaint was rejected on the ground that the relief is hopelessly barred by limitation.

21.The plaint Document No.7 was pointed out on the side of the petitioners/defendants 1 to 3 only to strengthen their stand that insofar as Survey

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Nos.150/3, 152/3 and 157/2, what was given to the plaintiff was only the balance portion after taking into consideration the share that was already allotted in favour of the 2nd defendant. The plaintiff is aware of the same even as early as in the year 1999 and it is completely unbelievable that the plaintiff was not aware about the execution of the settlement deeds dated 23.04.2004 by the 1st defendant in favour of the 2nd defendant and dated 01.10.2009 by the 2nd defendant in favour of the 3rd defendant. This is only to strengthen the finding that there is definitely a deemed knowledge attributable to the plaintiff.

22.The Court below while dealing with the above issues has unnecessarily considered the relief of permanent injunction as independent to the other reliefs seeking for declaration. The relief of permanent injunction was only to restrain the 2nd and 3rd defendants from alienating or encumbering the properties and such right accrues to the 2nd and 3rd defendants by virtue of the settlement deeds. Therefore, all the reliefs must have been considered together while dealing with the applications filed for rejection of plaint.

23.The Court below did not consider the fact that the plaint has to be read meaningfully and as a whole and the Court must have seen that an illusory cause of action was attempted to be created by astute and clever drafting of the plaint. In view of the same, the relief which otherwise is hopelessly barred by limitation, was projected in the plaint as if the suit has been filed within

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limitation. The trajectory taken by the Court below by considering the relief of permanent injunction as the main relief, is clearly erroneous and the Court ought to have seen that the relief of permanent injunction is dependent upon the relief of declaration that was sought for by the plaintiff. Thus, the Order passed by the Court below clearly suffers from perversity warranting the interference of this Court in exercise of its jurisdiction under Section 115(1)(c) of CPC.

24.In the result, the fair and decreetal order in IA.Nos.1 and 2 of 2025, in OS.No.242 of 2024, on the file of the Subordinate Judge, Madurantakam, dated 04.09.2025, is hereby set aside and the plaint filed in OS.No.242 of 2024 stands rejected .

25.Accordingly, both the Civil Revision Petitions stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2026

Index:Yes
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes

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To

The Subordinate Judge,
Madurantakam.

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N.ANAND VENKATESH J.
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Pre Delivery Common Order in
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