

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF COURT,
POLLACHI.**

**PRESENT: Thiru. M.S.SREENATH, B.A., B.L.,(Hons) L.L.M.,
Additional District Munsif, Pollachi**

Friday 31st day of July 2026

IA 4/2026

In

O.S. No.164/2025

1. Ramasubramaniam			
2. Ranjithkumar		...	Petitioners/Defendants
			-Vs-
1. Mylsamy			
2. Vellingiri		...	Respondents/Plaintiffs

This Petition came up for final hearing before me in the presence of Thiru M.A.Kanagaraj, learned Counsel for Petitioners, and in the presence of Thiru R.Udhayakumar, learned Counsel for respondents. Upon hearing the arguments of the both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

ORDER

This petition is filed under Order 7 Rule 11 of CPC by the petitioners to reject the plaint.

2. SUBMISSIONS OF THE PETITIONER

(2.1) The petitioner is the 2nd defendant in the suit. He has filed this application on behalf of 1st petitioner/1st defendant also. He has filed this application

to reject the plaint. This petition is filed based on the settlement deed dated 14.06.2019 and registered as Doc. No.2554/2019 and rectification deed dated 22.08.2019 and registered as Doc. No.3673/2019. The petitioner has further submitted that in the settlement deed dated 14.06.2019 the respondents have annexed or attached a legal heirship certificate of Kuppada gounder dated 05.11.2018 and P.P.9103/2018/2 for completing the registration process of the settlement deed. The said legal heirship is a rank forged document.

(2.2) The petitioner has further submitted that the petitioner herein given a complaint before the District collector on 26.11.2021 about the forged legal heirship certificate. The petitioner respectfully submit that the District Collector direct the Thasildhar, Pollachi to file a police criminal complaint against the respondent and against Mysamy and Vellingiri who are the plaintiffs in O.S.No.164/2025. Based on the complaint given by the Thasildhar an FIR was registered as against the respondents and Mysamy and Vellingiri by the district crime branch in Cr.No.32 of 2021 dated 30.12.2021. The FIR is still pending and the trial of the criminal case yet to commence.

(2.3) The petitioner has further submitted that again he filed a W.P.No.14679/2025 to conduct an enquiry about the illegal and forged legal heirship certificate produced by the respondent herein. The Government pleader who appeared on behalf of the Thasildhar Pollachi and Thasildhar Anaimalai clearly stated that they have not issued any certificate on 05.11.2018. Hence the Hon'ble court gave a clear finding that the legal heirship certificate is a forged certificate and also passed an order if the forged legal heirship certificate is used by the respondent the petitioner is having a liability to tile a fresh criminal case.

(2.4) The respondent also appeared in the writ proceedings through her council and they have full knowledge about the order passed by the Hon'ble High Court. Even after knowing the fact the respondent again relied on the same forged legal heirship certificate filed the present suit before this court. The Hon'ble High court order is filed a Doc.No.6 along with the plaint. The respondent is playing fraud before the this court and produced the document which is barred by the Hon'ble High Court Chennai. Hence the plaint has to be rejected. The cause of action is a illegal cause of action and the court cannot conduct a trial based on a forged document. The forgery is open and blatant from the plaint's face and clearly source there is no basis to conduct a trial. If the documents found be fraud the court is having power to stop such proceedings summarily and prevent time of the public and the court from the wasted.

(2.5) The present suit is a frivolous litigation if the settlement deed is not relied there is no cause of action for filing the suit and the suit is merit less. The respondent should be punished Under Section 471 of 340 of IPC now BNS and the court initiate criminal proceedings against the respondents herein. The petitioner respectfully submits that the respondent had also claimed a relief of declaration of the properties and the court fee paid is totally wrong. Hence the plaint has to be rejected. Unless the plaint is rejected the petitioner will be put into irreparable loss and hardship. The petitioner submit that this court rely on plaint document 2 and 5 which clearly proves that the plaint document are forged documents and the cause of action is illegal the plaint has to be nipped in the bud itself. Hence it is prayed that this court may be pleased to reject the plaint for the reason that this cause of action for filing the present suit is illegal and barred by the Hon'ble High Court in W.P.No.14679/2025.

(2.6) On the side of the petitioner, the following citation has been filed.

IN THE HIGH COURT OF JUDICATURE AT MADRAS CRP.NO.3197 of 2024 and CMP No.17106 of 2024 Kalaivani and Others Vs. P.Suresh

3. GIST OF THE COUNTER

(3.1) The petitioners are father and son. The petitioners are trying to encroach the respondents' property and get patta and claim ownership of the suit property. Hence the suit. The averments in para 3. 4 and 5 of the petition are false. The suit property situated in S.F.No.856 was originally belonging to Ponnegounder @ Ponniagounder. After sub division the entire property with extent of 2.20 acre was belonging to the Ponnegounder @ Ponniagounder after the encroachment by nearby land owners, the remaining 0.86 cent land was obtained by Ponnegounder @ Ponniagounder ancestrally and was in his possession and enjoyment. The respondents' family has been in possession of the open possession of the said land without any disturbances and hence the suit property belongs to the respondents. There are illegal attempts to encroach the same and hence the respondents have filed this suit to restrain the petitioners.

(3.2) The averments of para 6, 7 and 8 of the petition affidavit are false. The petitioners have obtained an order in their favour in relation to the suit properties against the respondents in a writ petition before the Hon'ble High Court, Madras. The truth will be brought to light only if trial is conducted in this suit and the judgment is pronounced after perusal of the documents and evidence. The petitioners despite knowing the true nature of the suit have filed in this petition which is not maintainable its facts and law and hence liable to be dismissed with costs.

4. DISCUSSIONS

(4.1) Heard both sides. Records perused. Rival submissions considered. The petitioner has prayed for rejection of the plaint in this suit on the ground that this suit has been filed based on a legal heir certificate which is a rank forged document and hence there is illegal cause of action and therefore the plaint is liable to be rejected. The petitioners themselves have admitted that the suit is filed based on settlement deed dated 14.06.2019 and rectification deed dated 22.08.2019.

(4.2) On perusal of the plaint document No.2 settlement deed dated 14.06.2019, it can be seen that legalheirship certificate of Kuppana gounder dated 05.11.2018 in டி.பி.9103/2018/ஆ2 has been annexed with the same. On perusal of the plaint document No.5, order of the Hon'ble Madras High Court dated 24.04.2025 in W.P.No.14679/2025, it can be seen that it was held that the aforesaid legalheir certificate was never issued by the Tahsildar, Pollachi and hence it is a rank forged document.

(4.3) On careful consideration and meticulous appreciation of the plaint and its documents reveal that only the legalheir certificate of Kuppana gounder dated 05.11.2018 was held to be a rank forged document and not the settlement deed dated 14.06.2019. It is settled law that legalheir certificate is only a certificate issued to show the relationship of the persons with the deceased and it does not recognize any rights over the property of the deceased. Merely because a rank forged document namely the legalheir certificate dated 05.11.2018 was annexed to the settlement deed dated 14.06.2019 would not make the settlement deed an illegal one. The question on legalheir certificate of the Kuppana gounder and validity of the settlement deed dated 14.06.2019 are once to be decided only after full trial and the same cannot be

decided in this petition. The petitioner is free to raise the plea of forgery of legal heir certificate in course of the trial. In such circumstance, the aforesaid grounds do not satisfy the requirement for rejection of plaint.

(4.4) Further it can be seen that the petitioner has also pleaded that the respondents have claimed relief of declaration but the court fee paid is totally wrong. However, on perusal of the plaint, it can be seen that the declaration prayer was struck off by the respondents at the time of re-presentation of the plaint and hence no declaration prayer is currently sought in the suit. Therefore, the above ground is also not proved. In cumulative effect of the aforesaid discussion that the petition does not contain sufficient grounds for rejection of plaint and hence it is liable to be dismissed.

IN THE RESULT, this petition is DISMISSED. No costs.

Dictated by me, typed by steno-typist on my computer and corrected by me and pronounced by me in open court on this 31st day of July, 2026.

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Petitioners and Respondent side Witnesses and documents: Nil

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Fair Order

Fair/Draft

I.A.No.4/2026 in O.S.164/2025

Date: 31.07.2026

Additional District Munsif Court, Pollachi
