

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 7th day of Masi

Thursday the 19th day of February 2026

I.A.No.5/2026

in

O.S.No. 8/2021

Sathiskumar @ Vijayaraghavan

... Petitioner/ 1st Defendant

/VS/

1. Manoharan
2. Thulasimani
3. Gowri Prakash
4. Priya
5. Brindha

... Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.P.Sivakumar, Advocate for the Petitioner and Mr.P.Muthusaravanan, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 7 rule 11 of CPC to reject the plaint.

1. The brief averments of the affidavit filed by the petitioner as follows:

1.1. The petitioner is the 1st defendant in the main suit. The respondents/ plaintiffs filed the main suit seeking "Declaration that the alleged compromise final decree passed in I.A.No.3/2019 in O.S.No.379/2016 on the file of

Principal Subordinate Court, Coimbatore dated 27.02.2019 in respect of suit properties as illegal, invalid, null and void" and other reliefs.

1.2. The relief seeking to challenge a decree passed by the Principal Subordinate Court, Coimbatore is barred by law and this Court does not have the jurisdiction to challenge the said decree. This Court is in the lowest strata in the framework of Tamil Nadu Civil Courts and inferior to the Principal Subordinate Court, Coimbatore as per the framework mandated in the Tamil Nadu Civil Courts Act.

1.3. The present suit is an abuse of process of court, and barred by law as well. It is settled legal position that for a party to set aside a compromise decree if any including by third parties, they may approach the same Court which passed such compromise decree for such remedy. And such a relief should strictly be in accordance with the Order XXIII Rule 3A of the Code of Civil Procedure. If a fresh suit is filed then the same is liable to be dismissed at the threshold.

1.4. It is a settled legal position that the Plaintiffs have filed the present suit is nothing but an abuse of process of court. The present suit is also barred by law because this Court does not have jurisdiction to set aside the compromise decree passed by the Principal Subordinate Court, Coimbatore. The Petitioner is legally permitted to present an application seeking to reject the plaint at any stage prior to the matter being reserved for judgment. Therefore, the present application is maintainable and is to be allowed.

2. The brief averments of Counter statement filed by the 3rd Respondent and adopted by 1st, 2nd, 4th and 5th Respondents as follows:

2.1. The captioned interlocutory application I.A.No.5/2026 is filed to reject the Plaint is utterly false and is not maintainable on facts and at law at this

stage of the captioned case, since the Petitioner / 1st Defendant had filed the detailed written statement and after completion of pleading this Court also framed the issues and allowed the parties to adduce evidences on their respective sides and now case is posted for their submissions for stage of the case and at this juncture the present application is untenable for the present suit and is entertained it leads to miscarriage of justice and against the principles of the natural justice.

2.2. The Petitioner / 1st Defendant alleged in the application at para 2 of the affidavit that the Respondents / Plaintiffs have filed the suit seeking the reliefs of declaration that the alleged compromise final decree passed in I.A.No.3/2019 in O.S.No.379/2016 on the file of the Principal Subordinate Court, Coimbatore dated 27.02.2019 in respect of the suit properties as illegal, invalid, null and void and other reliefs. Further allege in para 3 of the affidavit that relief seeking to challenge a decree passed by the Principal Subordinate Court, Coimbatore is barred by law and this Court does not have the jurisdiction to challenge the said decree and further alleged that he is advised to state that this Court is in the lowest strata in the framework of Tamil Nadu Civil Courts and inferior to the Principal Subordinate Court, Coimbatore as per the frame work mandated in the Tamil Nadu Civil Courts Act and in paragraphs 4, 5 and 6 and the relief are on the foot of the same allegations.

2.3. The 3rd Respondent and other Respondents are not the parties to the suit O.S.No.379/2016 on the file of the Hon'ble Principal Subordinate Judge at Coimbatore and also the compromise final decree I.A.No.3/2019 and further it was collusion and fraud and mislead the said Court suppression of the true facts and without impleading the Respondents herein as parties to the suit and therefore the present suit filed by the Respondents / Plaintiffs. Wherein the Petitioner and other Defendants have entered appearance and filed their written statement and this Court also directed the parties to file documents relied by them and based on the same necessary issues were framed and allowed the Petitioner to adduce evidence and now

the case is pending for arguments. Therefore at this stage the present application to reject the plaint is untenable and not maintainable as per settled position of law. Further based on the cause of action the present suit entertained and now the trial is over and at this stage of case the present application for rejection of plaint is not maintainable.

2.4. The very allegations made by the Petitioner are not true and it is purely an invention of the fertile brain of the Petitioner for the purpose the present application. The purported relief of rejection of plaint as sought by the Petitioner is absolutely false, baseless and unsustainable and the Petitioner is not entitled thereto. The captioned application itself is a gross, abuse and misuse and due process of law and Court.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 7 rule 11 of CPC to reject the plaint is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The Main suit is filed for declaration and permanent injunction against the petitioner/ 1st defendant and other defendants. The original suit is connected with O.S.No.1071/2017 and O.S.No.160/2021. The trial conducted in O.S.No.1071/2017 and now pending defendants side arguments.

5.2. The petitioner stated that, the present suit is an abuse of process of court, and barred by law as well. It is settled legal position that for a party to set

aside a compromise decree if any including by third parties, they may approach the same Court which passed such compromise decree for such remedy. If a fresh suit is filed then the same is liable to be dismissed at the threshold. It is a settled legal position that the Plaintiffs have filed the present suit is nothing but an abuse of process of court. The present suit is also barred by law because this Court does not have jurisdiction to set aside the compromise decree passed by the Principal Subordinate Court, Coimbatore.

5.3. The respondents objected that, The 3rd Respondent and other Respondents are not the parties to the suit O.S.No.379/2016 on the file of the Hon'ble Principal Subordinate Judge at Coimbatore and also the compromise final decree I.A.No.3/2019 and further it was collusion and fraud and mislead the said Court suppression of the true facts and without impleading the Respondents herein as parties to the suit and therefore the present suit filed by the Respondents / Plaintiffs. The Petitioner and other Defendants have filed their written statement and this Court also directed the parties to file documents relied by them and based on the same necessary issues were framed and the Petitioner to adduce evidence. Now the case is pending for arguments. Therefore at this stage the present application to reject the plaint is untenable and not maintainable.

5.4. ***Under Order 7 Rule 11 of CPC*** read as follows : Empowers courts to summarily reject a plaint at any stage (even at the threshold) if it lacks cause of action, is barred by law, undervalued, or improperly filed, primarily to stop frivolous, vexatious, or legally unsustainable litigation. It is decided solely on the plaint's averments.

Grounds for Rejection (Order 7, Rule 11, Clauses a-f):

- a). *No Cause of Action: The plaint does not disclose a valid legal right to sue.*
- b). *Undervalued: Relief claimed is undervalued, and the plaintiff fails to correct*

it within the court-ordered time.

- c). *Insufficiently Stamped: The plaint is returned/rejected if, after being required to supply necessary stamp papers, the plaintiff fails to do so.*
- d). *Barred by Law: The suit appears from the statement in the plaint to be barred by any law (e.g., limitation, specific statute).*
- e). *Not in Duplicate: The plaint is not filed in duplicate.*
- f). *Non-Compliance with Rules: The plaintiff fails to comply with Order 7 Rule 9 (e.g., failing to submit necessary copies/forms).*

5.5. On perusal of record, the suit in O.S.No.8/2021 is connected with O.S.No.1071/2017 and O.S.No.160/2021. The trial has been conducted in O.S.No.1071/2017 and now the suit is pending for defendants side arguments. But now the petitioner/ 1st defendant come forward with this petition to reject the plaint is not maintainable.

5.6. In the Original suit evidence on both sides has been recorded and argument on plaintiff side have been completed. The matter is now pending for the Argument of the defendant side. Therefore, as the original suit has reached the stage of final disposal, the objection raised by the respondents side will be consider and decided in the final Judgment of the suit.

5.7. This suit filed in the year of 2014. Now the 1st defendants stated that, this Court does not have jurisdiction to set aside the compromise decree passed by the Principal Subordinate Court, Coimbatore. It will be decided at the time of the judgment. Hence, it is just and necessary to prove documents and not under this petition. Considering the objection made by the respondent and finally in the interest of justice this petition is dismissed.

In the result, this petition is dismissed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 19th day of February 2026.

Sd/M.Santhosham

**District Munsif,
Sulur.**

List of witnesses and documents on Petitioner side:- - Nil

List of witnesses and documents on Respondent side:- - Nil

Sd/M.Santhosham

**District Munsif,
Sulur.**

Draft/ Fair Order
I.A.No.5/2026 in
O.S.No.8/2021
Dated:19.02.2026
DMC, Sular