

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 19th day of Thai

Monday the 2nd day of February 2026

I.A.No.12/2025

in

O.S.No. 279/2017

R. Sakthivel

... Petitioner/ 8th Defendant

/VS/

R. Raja

... Respondent/Plaintiff

This petition is coming on this day for final hearing before me in the presence of Mr.J.Bill Klinton, Advocate for the Petitioner and Mr.S.Chandrasekaran, Advocate for the Respondent 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 filed by the respondent/plaintiff on the ground the suit is barred by the law and limitation with exemplary cost.

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

1.1. The above suit filed by the respondents/plaintiffs is liable to be rejected under Order VII Rule 11 of the CPC as it does not disclose a cause of action, is barred by law, and is a clear vexatious and abuse of the process of court and law and so on. The following grounds are detailed as hereunder:

1.2. i) Lack of Cause of Action :

The suit property is originally belongs to one Ganapathy Gounder who is the grandfather of the 1st Defendant. Ganapathy Gounder had executed a Will in

favour of his elder son namely Duraisamy Gounder in the year of 1974. After his demises, the above-mentioned Will came into force and after that the aforesaid Duraisamy Gounder became the absolute owner of the suit property and he also executed a Will bearing No.101/1998 in favour of his younger son named D.Balasubramaniam who's the 1st Defendant. After the Duraisamy Gounder's demises, the Will came into existence and the 1st Defendant became the absolute owner of the suit property and enjoying the same without anyone's hindrances and mean time, the 1st Defendant filed a suit seeking relief of Injunction against their family member based on the Will Doc No.101/1998. In the meantime, the 1st Defendant was suffered from the Bone Cancer and it leads to final 4th stage and he undergoes the care of mine and all the medical expenses and day-to-day survival expenses had been taken care by petitioner/ 8th Defendant and Out of the love and affection, regarding the suit property, the 1st Defendant had executed a Will bearing No.47/2024 dated 19.02.2024 in favour of Petitioner/ 8th Defendant and the same was registered at the Sub-registrar office at Sular. Then, on the failure of the medical treatment, the 1st Defendant had passed away on 18.03.2024. After his demises, the Will came into existence. After that, Petitioner/ 8th Defendant became the absolute owner of the suit property.

1.3. Even after knowing all those facts, without challenging the above Will No.101/1998 and the Encumbrance Certificate, the respondents/plaintiffs had filed an alleged above suit. Moreover, the above suit is based on an alleged claim that the decree in O.S.No.2216/2012 before the Lok Adalat (Coimbatore) is fraudulent and hence void and the same was not maintainable and not valid. However, the said decree has already been passed and registered in 2013 under Section 21 of the Legal Services Authorities Act, 1987, which declares such decrees as final and binding on all parties to the dispute and equivalent to a decree of a civil court.

1.4. Hence, the respondents/plaintiffs allegations of fraud are bald, vague, and without any particulars, and failed to disclose a valid cause of action clearly, legally or actionable claim against Petitioner/ 8th Defendant and particularly if the main grievance is against the outcomes of prior litigation (e.g., compromise decree in O.S.No.2216/2012) means, where respondents/plaintiffs were not party or their rights are not directly affected and the plaint is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order VII Rule 11 C.P.C. taking care to see that the ground mentioned therein is fulfilled. And, if clever, drafting has created the illusion of a cause of action, hence the above suit is absolutely liable to be rejected. The same was discussed in the case law i.e., In T. Arivandandam v. T.V. Satyapal (1977) 4 SCC 467.

1.5. Under Order VII Rule 11(a) of the Code of Civil Procedure, 1908 provides for rejection when the plaint does not disclose a cause of action. Here, the above suit alleges that petitioner/ 8th defendant was impleaded solely on the basis of a Will bearing Doc No.47/2024 from 1st Defendant, and alleged savings of that 1st Defendant had no right over the suit property without any proper documents, creating no sustainable cause against the respondent/plaintiff.

1.6. The respondent/plaintiff's pleadings are a narration of multiple legal transactions in favour of 1st defendant dating back to 1926 and contain no specific cause of action arising against petitioner/ 8th defendant or even the deceased 1st defendant within the limitation period. The alleged grievance relates to a Power of Attorney executed by the 1st defendant in 2015. Even assuming that such document exists, it does not affect any subsisting right of the respondent/plaintiff, who claims to be a purchaser under a 2008 alleged sale deed. The pleadings disclose no invasion or threat to possession. Mere entry of a document in the Encumbrance Certificate cannot confer a cause of action unless it has resulted in deprivation of possession or title. The same was cleared and affirmed in the below cited cases: **a. Saleem Bhai vs State**

of Maharashtra (2003). b. **Sopan Sukhdeo Sable Vs Assistant Charity Commissioner (AIR 2004 SC 1801)**. c. **Church of Christ Charitable Trust & Educational Charitable Society v. Ponniamman Educational Trust, (2012) 8 SCC 706**

1.7. ii) Bar by Law:

a. Without any legal rights filing a suit: As per the referred documents by the respondent/plaintiff, 1. S. Thangavel, 2. S. Ramasamy, 3. Chinnasamy. 4. V. Ganesamurthy, 5. A. Chandrasekaran and 6. C. Chandrasekar, the above said parties should be included in the above suit as necessary party, but the respondent/plaintiff fails to do so. This leads to the suspicion about the maintainability of the above suit and is wholly barred by the law. From this it's cleared that, regarding the suit property, the above six of them had no legal rights and those are fraudulent one. Not only that, in the above sale deed referred parent document No.383/2007 dated 23.01.2007 which was registered at Annur Sub-registration office executed by 1. Megala, 2. Mallika, and 3. Chitra in favour of the aforesaid six of them, attached a supported documents: Original Gift Deed bearing Doc No.601/1985 and Copy of Late. Ganapathy Gounder's sale deed doc No.225/1927 thereon. Factually, the aforesaid Gift deed Doc No.225/1927 is not originally belongs to Late Ganapathy Gounder, but factually belongs to two person namely Ganapathy Gounder and his brother and by suppressing all those facts, not only that, Gift deed bearing Doc.No.601/1985 without any title, the aforesaid six persons and the respondent/plaintiff had fraudulently created those documents and from this, it clearly views that, it's all collusively cooked up stories and forgery documents by the respondents/plaintiffs.

1.8. The aforesaid Ganapathy Gounder also never have any legal rights over the property. In this circumstances, how come the above Ganapathy Gounder became legally binding for the legal proceedings. This also led to a suspicion one and all those documents are forgerily created by the respondents/plaintiffs and is

purely barred before law and not maintainable. Under Order VII Rule 11(d) allows rejection where the suit is barred by law. In the view of the respondent/plaintiffs own pleadings, there's a no alleged sale deeds, revenue records, and a chain of title, and all prior claims, are said to be fraudulent or not valid before the law. Thus, the filing multiple suits for the same property and relief constitutes abuse of process of court. **a. Kandapazham Vs The District Collector** (2012 5 SCC 2639). The above suit falls under the doctrine of res judicata and is wholly liable to be rejected under law.

1.9. iii) **Plaint is Vexatious or Abuse Process of Law:**

1. During the year 2005, the 1st Defendant was framed as a matrimonial issue in a sessions case in Crime No.504/2005 at Peelamedu Police Station. 1st Defendant was convicted for offences punishable under section 376 and 366 IPC and was sentenced to life. The life sentence of the 1st Defendant was then commuted on medical grounds to the sentence which 1st defendant had already served in prison and was released during March 2023. In the mean while since the 1st Defendant was seriously suffering from prostate cancer, 1st defendant was more involved in taking treatments. In the mean-while, the said 1st Defendant executed a Last Will dated 19/02/2024 registered as Document No.47/2024 on the file of the Sub-Registrar Sular in favour of petitioner/ 8th defendant, thereby bequeathing his rights and properties in the name of petitioner/ 8th defendant. All the above facts had been known to petitioner/ 8th defendant when after the 1st defendant released from the prison and proved with all the documentary evidences to petitioner/ 8th defendant. But, even though all the respondents/plaintiffs, facts by already known deceiving petitioner/ 8th defendant, to the the respondents/plaintiffs had filed this suit intentionally colluded together, to grab the suit property illegally by using petitioner/ 8th defendant illiteracy which is purely against the law. Also, by using the circumstance of the 1st defendant's prison life, the respondents/plaintiffs had swindle petitioner/ 8th defendant and all the facts only known to petitioner/ 8th defendant after the 1st defendant released from the prison. The respondent/plaintiff mentioned alleged prayer no.1 that is "By declaring

that the general power of attorney dated 15.05.2015 registered as Document No.2520/2015 executed by 1st defendant in favour of 2nd defendant registered in the office of 3rd and 4th defendants as null and void by means of declaratory decree". At that time, the 1st defendant was in prison and the above-mentioned power of attorney was actually executed in before of the jailor, while executing in before of the jailor all the legal validations, encumbrances should be verified and the same was questioned herein is a question of law and not falls under the relief of declaration herein.

1.10. Regarding the bequest of the Will bearing Doc No.101/1998, the judgment also passed by the Hon'ble Judicial Magistrate No.VI of Coimbatore in CC No.147/2003 dated 11.10.2013 by recording all the Government official evidences of Coimbatore North Tahsildar, Revenue Divisional officer of Coimbatore and the Inspector of Peelamedu Police Station. Not only that, the Hon'ble Court of the Special Judge, Special court for cases under prevention of Corruption Act, Coimbatore had passed an judgement dated 24.04.2016 in Spcl. CC.No. 10/2011 held that the 4th accused (i.e. the 1st defendant herein) held not as not guilty under the Prevention of Corruption Act 1998 and acquitted under Section 248(1) Cr.P.C. by recording all the gist of evidences adduced on the side of prosecution i.e., 1. Retired Assistant Director of Survey and land records, 2. Additional Secretary to the Home Department (Secretariat), 3. Chairman, Pollution control board, 4. Village Administrative officer, 5. District Revenue officer, 6. Retired District Registrar, 6. Retired Deputy Inspector of Surveyor, 7. Retired District backward Welfare Officer, 8. Retired Assistant Director of Forensic Department, 9. Deputy Superintendent of Police (3 Nos). So, therefore the respondents/plaintiffs has no locus standi as below mentioned Act regarding this case.

1.11. **iv) Lack of Locus Standi:** The respondents/plaintiffs has no locus standi as he is a purchaser pendente lite with constructive notice of earlier family disputes and litigation. The respondents/plaintiffs forgerily purchased the property

after the Lok Adalat proceedings were initiated, hence the transfer is hit by Section 52 of the Transfer of Property Act (Doctrine of Lis Pendens). The Section 52 of the Transfer of property dealt with "During the 1 [pendency] in any Court having authority [within the limits of India excluding the State of Jammu and Kashmir) or established beyond such limits] by [the Central Government], [any] suit or proceeding (which is not collusive and) in. which any right to Immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose." Therefore, it's a forged documents made by the respondents/plaintiffs. This has been discussed in the case laws i.e., **In K. Meenakshi Ammal v. R. Chandrasekaran (2010) 2 CTC 58**, As per the norms, during the pendency of the Lok Adalat proceedings, intentionally to mislead this Hon'ble court had filed the above suit.

1.12. If the plaint is based on documents or events that are claimed to be fraudulent, sham, or nullified by competent authority, courts have ruled such suits as vexatious or an abuse of process. It was affirmed in the below cited case law: **T. Arivandandam v. T.V. Satyapal & Another (AIR 1977 SC 2421)**

1.13. v) **Specific Relief has been sought against the petitioner:** There's no proper declaration is sought in relation to title; nor is there any substantive challenge to prior decrees or settlements referred in the plaint. Petitioner/ 8th defendant impleaded as the 17th defendant in the above suit by order of this Hon'ble court dated 07.08.2025 passed in I.A.No.7/2024 under Order 22 Rule 10 of CPC, as a proper and necessary party based on Documents that are: 1. 11.03.1998 dated Registered Will Doc No.101/1998, 2. 07.10.2013 dated Registered Deed Document No.5648/2013, 3. 20.03.2023 dated 1st Defendant Release Order, 4. 19.02.2024 dated Registered Will document No. 47/2024, 5. 11.12.1927 dated Partition Deed document

No.453/1927, and 6. Aadhar Card of petitioner/ 8th defendant.

1.14. vi) The plaint relief is illusory and undervalued: The aforesaid respondent/plaintiff values the declaratory relief at Rs.1,000 and injunction at Rs.1,000, paying a total court-fee of Rs. 151. The subject-matter is immovable property measuring 3.11 acres, with substantial market value. The valuation is grossly undervalued and contrary to Sections 25(d), 27(c), and 30 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955. Hence the plaint is liable to be rejected for **improper valuation and insufficient court-fee under Order VII Rule 11(b) && (c) CPC.**

1.15. vii) The relief sought is declaratory without consequential prayer for possession or cancellation: The plaintiff admits that the Power of Attorney and Will were registered documents, yet seeks only a declaration that they are null and void **without seeking cancellation under Section 31 of the Specific Relief Act** or possession. Such **partial and incomplete relief** renders the suit not maintainable in law.

1.16. viii) The Lack of Title: As per the alleged suit filed by the respondent/plaintiff herein, the respondent/plaintiff's title is based on a derivative sale deed in the year 2008, subsequent to multiple transactions from the same lineage of Ganapathy Gounder's family and in this the very subject matter had already been adjudicated and finalized in O.S.No.2216/2012 and the same was decreed. The validity of that O.S.No.2216/2012's decree passed by the District Munsif Court of Coimbatore cannot be challenged collaterally in the above suit; such a challenge is barred under law.

1.17. The suit property is absolutely belongs to the 1st defendant through the **Will Doc No.101/1998 and the decree passed in O.S.No.238/2012 by District**

Munsif Court of Coimbatore and all revenue records are in the name of the 1st defendant and by following that, the suit property belongs to Petitioner/ 8th Defendant through Will bearing No.47/2024 executed by the 1st defendant. The clear title had been changed from the 1st defendant to Petitioner/ 8th Defendant legally. In this circumstances, the aforesaid respondents/plaintiffs had got an approval from Local Planning authority is wholly frivolous and vexatious one. Not only that, the respondent/plaintiff sale deed mentioned parent document No.383/2007, executed by 1. Megala, 2. Mallika, and 3. Chitra themselves has no clearance of title and is considered to be a forged document and it have no any legal value, So, there's a lack of title in the name of aforesaid six of them and Megala, Mallika and Chitra and the respondents/plaintiffs herein. The parent document of above three of them i.e., Doc No.601/1985 is also an oral agreement itself. Without having any title clearance in the parent document and without including legal heirs of the six of them, there's no sustainability of above suit and also the father of aforesaid i.e., 1. Megala, 2. Mallika, and 3. Chitra have made a வர்தமான ஒப்பந்தம் as, the suit property belongs to Duraisamy Gounder who's the father of the 1st defendant.

1.18. From this, it's clearly views that, the schedule mentioned property not belongs to Late. Ganapathy Gounder and he didn't having any legal rights, and in this, the respondents/plaintiffs mentioned supported documents mentioning Late. Ganapathy Gounder that how could having the legal rights herein and it's all suspicious one. So, there's a lack of title in the name of aforesaid six of them and Megala, Mallika and Chitra and the respondents/plaintiffs herein. Without having any title clearance in the parent document and without including legal heirs of the six of them, the respondents/plaintiffs had filed the above suit and is wholly liable to be rejected and abuse process of law and not binding Petitioner/ 8th Defendant at all. And when the respondents/plaintiffs failed to prove the clearance of title and it's barred by law and no cause of action. So, the suit is liable to rejection.

1.19. (ix) Complaint Not In Duplicate or Non-Compliance: Any failure to file the complaint in duplicate or not adhering to statutory rules also provides a technical basis for rejection. As per the above condition, the above suit contains several defects and lack of consistency. Hence, the above suit is absolutely Liable to be Rejected. The present suit has no cause of action and the present plaintiff has no, locus standi to initiate the present suit. The present suit is purely an abuses of process of law with clever drafting creating illusionary cause of action. The above suit is also falls under the legal maxim i.e., "**falus in uno falsus in omnibus**" Which means "false in one thing, false in everything" and suggests that if a witness leis about on matter, their entire testimony may be considered unreliable under Sec 151 of CPC and since, frivolous litigation has to be nipped in the bud.

1.20. The present suit filed by the respondent is not at all maintainable either in law or on facts and the suit is liable to be dismissed in limini, since, no cause of action is arising and the suit is barred by law. In the above said circumstances, unless the complaint in the above suit is rejected and struck off from the file of this court, the petitioner/ 8th defendant will be put to much loss and hardship. Hence, the suit is to be allowed.

2. The brief averments of Counter statement filed by the Respondent as follows:

2.1. The petition is false and unsustainable in law and on facts of the case. The petitioner is put to strict proof of all the allegation except those that are specifically admitted herein. At the outset, this petition is not maintainable for the reason that the suit originally filed against 1st to 7th defendant based on the cause of action set out therein. Whereas, after a period of 7 years from the date of filing suit, the present petitioner got himself impleaded in I.A.No.7/2024 and now filed this application for rejection of complaint. Hence, this petition is misuse of process of law and also a fraud played on court. Moreso, this respondent vehemently opposed the impleading application in I.A.No.7/2024 filed by the petitioner herein by stating that

the petitioner had no semblance of title to suit property. Nevertheless, this Court was pleased to allow the impleading application and thereby the petitioner got impleaded himself after 7 years from the date of filing suit. Moreso, the petitioner also did not file his written statement if any by denying the contentions in the plaint so far. Hence, this petition is a typical example for misuse of process of law as well misguiding the court at first to get him impleaded and subsequently filing application for rejection of plaint for want of cause of action against him. This respondent specifically opposed the impleading application in I.A.No.7/2024 by filing necessary counter statement which may be read as part and parcel of this counter statement. Hence this petition is liable to be dismissed in limine.

2.2. The suit property originally belonged to one Ganapathy Gounder is admitted as true. This respondent is not party to the Lok Adalat decree passed in O.S No. 2216/2012 and thereby the above petition is not maintainable. Further, it seems that this petition has been filed for and on behalf of other defendants being original defendants when they by themselves did not choose to file such application to that affect (without prejudice). In fact, title already passed on to this respondent pertaining to suit property and while so, a third party viz., 1st Defendant cannot execute Power of Attorney pertaining to this defendant's property.

2.3. At the outset, this petition is not maintainable on following grounds: There is no application of mind to petitioner in filing this petition for the reasons that he got impleaded by himself only after 7 years of filing suit. The petitioner raised his right based on a Will Doc. No. 47/2024 said to have executed by 1st defendant which does not bind plaintiff since the same is much after filing the suit (without admitting its genuineness). The petitioner by himself alleges that he got title over suit property based on some alleged title Deeds and based on which he filed this petition. Hence, it is just and necessary to prove title to trial and not under this petition. A mere reading of petition itself would disclose the lethargic attitude of petitioner in filing some

petition with some reasons for rejection of plaint without any legal basis.

2.4. More so, the framing of petition itself is based on improper pleadings which are no way related to original cause of action. This respondent claimed title based on a registered Will dated 20.05.1963 of Ganapathy Gounder which followed several transactions but the petitioner totally suppressed to state the Will dated 20.05.1963 and filed this vexatious petition only to drag the trial. The prayer sought for in plaint is totally different from the averments made in the petition herein. It is well settled position of law that the plaint averments alone to be considered but not the defence (without prejudice). Whereas, the petitioner herein by alleging that he is title holder of suit property based on an alleged Will Doc. No.47/2024 (after date of suit) filed this petition which is an abuse process of law. The petitioner has alleged so many facts which are not relevant to this case. More so, the petitioner has no locus standi to maintain this petition since he has no title over suit property herein, which all to be decided only in trial.

2.5. Besides, the grounds alleged in the petition shall have to be decided in trial alone and not under Order VII Rule 11 of CPC, since those grounds were only facts and not law. Besides none of the grounds as alleged in this petition applicable in seeking rejection under Order VII Rule 11 of CPC. The petitioner alleges that the Gift Deed Doc. No.601/1985, Sale Deed Doc. No. 225/1927 and Sale Deed Doc. No. 383/2007 are all said to have been fraudulent documents and thereby the suit relied on those documents is liable to be rejected since the plaintiff relied on these. So also, the petitioner claims title based on Will in the year 1974, Will Doc. No. 101/1998 and Will Doc. No. 47/2024 and the genuinity of which are also to be decided in trial and not under Order VII Rule 11 of CPC. Hence, this petition is devoid of merits.

2.6. The petitioner himself alleges that a cloud caused over title and if so, unless a trial is conducted, those facts itself not be decided in this petition. The

petitioner has no semblance of title over suit property and thereby he cannot maintain this petition and this petition is devoid of merits. Even a step more the petitioner herein being 1st plaintiff in O.S.No.855/2017 sought for the very same relief sought for by plaintiff in above suit while so, now all of a sudden he turned back and filed this petition after 7 years from the date of filing his suit by making the legal proceedings as mockery one. In one place the petitioner alleges that the said Ganapathy Gounder had no title over suit properties and on the other place states that he got title through him as per various Wills. Thus, from the above it is crystal clear that the petitioner is abusing the process of law abstaining legal proceedings by wasting court timings and thereby he must be levied with an exemplary cost of Rs. 1,00,000/- per petition. Hence, the petition is to be dismissed.

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 and section 151 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 petitioners/defendants. The original suit is currently pending for written statement of 8th defendant and additional written statement of 10th defendant.

5.2. The petitioner stated that, Under Order VII Rule 11(a) of the Code of Civil Procedure, 1908 provides for rejection when the plaint does not disclose a cause of action, Barred by law, without any legal rights filing a suit, the plaint is

vexatious or abuse process of law, the respondent/plaintiff has no locus standi as, he is a purchaser pendente lite with constructive notice of earlier family disputes and litigation, Specific Relief has been sought against the petitioner, there's no proper declaration is sought in relation to title; nor is there any substantive challenge to prior decrees or settlements referred in the plaint, the plaint relief is illusory and undervalued, there is improper valuation and insufficient court fee under Order VII Rule 11(b) and (c), the relief sought is declaratory without consequential prayer for possession or cancellation, the lack of title is barred under law, the plaint not in duplicate or non compliance. Hence, the above stated reason suit is absolutely liable to be rejected.

5.3. The respondent objected that, There is no application of mind to petitioner in filing this petition for the reasons that he got impleaded by himself only after 7 years of filing suit. The petitioner raised his right based on a Will Doc. No. 47/2024 said to have executed by 1st defendant which does not bind plaintiff since the same is much after filing the suit (without admitting its genuineness). The petitioner by himself alleges that he got title over suit property based on some alleged title Deeds and based on which he filed this petition. Hence, it is just and necessary to prove title to trial and not under this petition. A mere reading of petition itself would disclose the lethargic attitude of petitioner in filing some petition with some reasons for rejection of plaint without any legal basis.

5.4. More so, the framing of petition itself is based on improper pleadings which are no way related to original cause of action. This respondent claimed title based on a registered Will dated 20.05.1963 of Ganapathy Gounder which followed several transactions but the petitioner totally suppressed to state the Will dated 20.05.1963 and filed this vexatious petition only to drag the trial. The prayer sought for in plaint is totally different from the averments made in the petition herein. It is well settled position of law that the plaint averments alone to be

considered but not the defence (without prejudice). Whereas, the petitioner herein by alleging that he is title holder of suit property based on an alleged Will Doc. No.47/2024 (after date of suit) filed this petition which is an abuse process of law. The petitioner has alleged so many facts which are not relevant to this case. More so, the petitioner has no locus standi to maintain this petition since he has no title over suit property herein, which all to be decided only in trial.

5.5. Besides none of the grounds as alleged in this petition applicable in seeking rejection under Order VII Rule 11 of CPC. The petitioner claims title based on Will in the year 1974, Will Doc. No. 101/1998 and Will Doc. No. 47/2024 and the genuinity of which are also to be decided in trial and not under Order VII Rule 11 of CPC. Hence, this petition is devoid of merits. Ganapathy Gounder had no title over suit properties and on the other place states that he got title through him as per various Wills. Thus, from the above it is crystal clear that the petitioner is abusing the process of law

5.6. ***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 plaintiff'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).*

5.7. On perusal of record, the petitioner/ 8th defendant filed I.A.No.7/2025 on 07.02.2025 under Order 1 Rule 10 of CPC to impleading the Petitioner as 8th defendant in the OS.No.279/2017. This court allowed this I.A.No.7/2025 on 07.08.2025. As per order in I.A.No.7/2025 the petitioner was implead as 8th defendant in O.S.No.279/2017. After implead the petitioner/ 8th defendant not filed his written statement. But now the petitioner/ 8th defendant come forward with this petition to reject the plaint is not maintainable.

5.8. Further, though it is stated that the court fee paid by the plaintiff in the original suit is incorrect, the suit cannot be dismissed solely on this ground. If the court fee is found to be incorrect, the proper court fee can be obtained. Therefore, the original suit need not be dismissed on this account. Whether the court fee paid by the plaintiff is correct or not shall also be decided at the conclusion of the original suit, the court holds.

5.9. The reason stated by the petitioner that, the plaint is vexatious or abuse process of law, the respondent/plaintiff has no locus standi, Specific Relief has been sought against the petitioner, there's no proper declaration is sought in relation to title; nor is there any substantive challenge to prior decrees or settlements referred in the plaint, the relief sought is declaratory without consequential prayer for possession or cancellation are not comes under the Order 7 Rule 11 of CPC. Petition mentioned other grounds not decided at this stage.

5.10. This suit filed in the year of 2017. Now the implead 8th defendant stated that, plaint is not in duplicate form is not acceptable one. It will be decided based on both side document and evidence at the time of the judgment. Hence, it is just and necessary to prove title to trial and not under this petition Further petitioners side relied citation are not applicable to this case facts. 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 2nd 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.12/2025 in
O.S.No.279/2017
Dated:02.02.2026
DMC, Sulur