

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 15th day of Masi

Friday the 27th day of February 2026

I.A.No.22/2026

in

O.S.No. 718/2017

1. M/s.The Christian Mission

Services

... Petitioner/ 9th Defendant

/VS/

1. Nagammal

2. Subramaniam

3. Karthikeyan (Died)

4. Vallalarajan

5. Nirmala

6. Santhamani

7. V. Indirapriyatharsini

... 1st to 7th Respondents/Plaintiffs

8. G. Ramachandran (Died)

9. G. Swaminathan (Died)

10. G. Jeyaraj (Died)

11. Janakiammal @ Ammaniammal (Died)

12. Sampathkumar

13. Sumithra

14. Nanthini

15. Deepika

16. Pakkiyam

17. Saradhadevi

18. Renugadevi

... 8th to 18th Respondents/ 1st to 8th and
10th to 12th Defendants

This petition is coming on this day for final hearing before me in the presence of Mrs.V.R.Sangeetha, Advocate for the Petitioner and Mr.S.Allwin Nesan, Advocate for 1st, 2nd, 4th to 7th Respondents and Mr.M.S.Giridharan, Advocate for the 17th Respondents and the 12th to 16th Respondents are exparte in main suit and the 3rd, 8th to 11th, 18th Respondents are reported died and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 7 rule 11 r/w section 151 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 9th defendant in the suit. 1st to 7th respondents 7 have filed the suit against the petitioner/ 9th defendant for the relief of declaration with regard to the Sale Deed executed by the 11th to 13th defendants, 9th, 11th, 14th and 15th defendants as well as 10th defendant and in addition to that, they sought for, the relief of declaration about the title of the property and also sought for the relief of permanent injunction.

1.2. The suit property is originally belonged to one Krishnama Naidu. It seems that one S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1950, since, Krishnama Naidu failed to satisfy the decree. Anyhow, the possession was not delivered, because, as per the orders in E.A.No.73/1962, the entire amount was satisfied by Krishnama Naidu to S.V.Arumugham. So, Krishnama

Naidu was in possession and enjoyment of the same without any hindrance whatsoever. But, suppressing the facts, the respondents contended that they are doing cultivation in the suit property.

1.3. On 09.09.1962, Krishnama Naidu sold the property to one Govindasamy by virtue of Sale Deed for proper and valid consideration. Later on, wife of Govindasamy, who is the 11th defendant in the suit and his sons who are the 8th to 10th as well as legal heirs of the 8th and 9th defendants entered into a partition. If really, the husband of the 1st defendant was in possession and exercising the right over the same, certainly, he could be initiated the legal action against Krishnama Naidu.

1.4. The partition of the said properties, by the legal heirs of Govindasamy, they approached the defendant to sell the property. In fact, the petitioner is a Christian Mission Service, which is established in the year 1957. It is a charitable company and committed to take care of Orphans, destitute children and children of HIV affected parents and do several social works for the needy children and provide the basic amenities, shelter, food and good education being free of cost and for their well being in the Society. It has 54 Institutions in Six States like Tamilnadu, Kerala, Karnataka, Andhra Pradesh, Maharashtra and West Bengal etc., and one of the Institutions is located in the suit property for more than 36 years.

1.5. After the verification of the title relating to the documents, the petitioner institution was decided to purchase the property from the 8th to 15th defendants and in evidence thereof, on 08.08.1990, and 10.08.1990, they have purchased the property from the 8th to 15th defendants for proper and valid consideration and even at the time of execution of the Sale Deed, possession was handed over by the 8th to 15th defendants. Immediately, the petitioner have put up the construction and invested a huge amount for improvements in the lands.

1.6. Due to the steep hike of the market value, after lapse of 6 decades, all of a sudden, the legal heirs of S.V.Arumugham who are the respondents raised their hands over the suit property, to which, they invented a number of stories as alleged in the plaint. But there is no scrap of paper to establish their case and even now, the documents which have been produced by the respondents are only Sale Deeds which was executed by the 8th to 15th defendants in favour of the petitioner. So, prima facie, the claim of the respondents is hit by limitation as well as cause of action is an illusion.

1.7. If really S.V.Arumugham is the owner of the property, for more than 61 years, they can very well produce the documents to prove title and possession of the property. So, the contention of the plaint is concerned it does not disclose a cause of action and obviously, there is no explanation with regard to the inordinate delay to initiate frivolous suit against the petitioner. Hence, the petitioner/ 9th defendant have come forward with this petition that the plaint shall be rejected on the ground of barred by limitation and non-disclosure of the cause of action.

1.8. Admittedly, the petitioner is in possession and enjoyment of the suit property, particularly, they put up the construction and running a Home for Children and also put up a Guest House. But unfortunately, the respondent has paid the Court Fee, as if, it is an agricultural land. So, the Court Fee paid by the respondent itself, is not valid. Unless this Court is rejected the plaint, the petitioners will be put to great hardships and irreparable loss. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 1st, 2nd and 4th to 7th Respondents as follows:

2.1. The petition is false, frivolous, vexatious and unsustainable both in law and on facts of the case. The respondents at the outset does not accept any of the averments mentioned in the affidavit except those which are specifically admitted

herein and put the petitioner to strict proof of the same. The main suit has been filed in the year 2017 and the same is posted for trial in this stage the petitioner has come forward with an application for rejection of plaint only to prevent the trial in the main suit. The petition has been filed against the deceased also and short cost title also wrongly mentioned in the petition and the said reason itself the petition is not maintainable.

2.2. The suit property is originally belonged to one Krishnama Naidu is correct. The petitioner herein has also admitted in their written statement and affidavit for this application that one S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1960. Krishnama Naidu was in possession and enjoyment of the same without any hindrance whatsoever. The petitioner did not produce any order in E.A.No.73/1962 at the time of filing written statement or file this rejection of plaint. There is no order as alleged in the affidavit in E.A.No.73/1962.

2.3. 5. There is no order in E.A.No.73/1962 as alleged in affidavit, hence Krishnama Naidu had no right to sell the property on 09.09.1962 to one Govindasamy by virtue of Sale Deed for proper and valid consideration. Hence Later sale deeds and partition deed were invalid in the eye of law. The averments stated in para 5 & 6 of the affidavit that the petitioner is a Christian Mission Service, which is established in the year 1957 and it is a charitable company and committed to take care of Orphans, destitute children and children of HIV affected parents and do several social works for the needy children and provide the basic amenities, shelter, food and good education being free of cost and for their well being in the Society and it has 54 Institutions in Six States like Tamilnadu, Kerala, Karnataka, Andhra Pradesh, Maharashtra and West Bengal etc., and one of the Institutions is located in the suit property for more than 36 years are no way connected with this application

and the petitioner colluded with the 8th to 15th respondents created deeds infavour of them without verifying encumbrance certificate and documents in respect of the suit property.

2.4. This respondent at the time of filing the main suit itself clearly stated that on 15.06.2015 visited the suit property and find out the super structure had been put up by some third party in the suit property and there after he approached village office and applied encumbrance certificate and then he found out the fraud has been committed by suppressing right of respondent. Therefore, the suit filed within the limitation and the allegation in respect of limitation will not arise at this stage hence the petition is not maintainable.

2.5. The petitioner did not produce any document to prove the possession and right over the suit property at the time of filing the written statement. The petitioner did not produce any document during the filing this application for rejection of plaint. The respondent paid the correct Court Fee for the main suit. This being so, the petition is not maintainable. In the above circumstance it is necessary that the above petition is liable to be rejected as nothing but an abuse of process of Court. Hence, the petition ought 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 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 1st to 7th Respondents/Plaintiffs. The original suit is pending in the for trial.

5.2. The petitioners stated that, the suit property is originally belonged to one Krishnama Naidu. One S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1950, since, Krishnama Naidu failed to satisfy the decree. Anyhow, the possession was not delivered, because, as per the orders in E.A.No.73/1962, the entire amount was satisfied by Krishnama Naidu to S.V.Arumugham. So, Krishnama Naidu was in possession and enjoyment of the same without any hindrance. On 09.09.1962, Krishnama Naidu sold the property to one Govindasamy by virtue of Sale Deed for proper and valid consideration. Later on, wife of Govindasamy, who is the 11th defendant in the suit and his sons who are the 8th to 10th as well as legal heirs of the 8th and 9th defendants entered into a partition.

5.3. The legal heirs of Govindasamy, they approached the petitioner/ 9th defendant to sell the property. After the verification of the title relating to the documents, the petitioner was decided to purchase the property from the 8th to 15th defendants. On 08.08.1990, and 10.08.1990, they have purchased the property from the 8th to 15th defendants for proper and valid consideration and even at the time of execution of the Sale Deed, possession was handed over by the 8th to 15th defendants. Immediately, the petitioner have put up the construction and invested a huge amount for improvements in the lands.

5.4. The 1st, 2nd and 4th to 7th Respondents/plaintiffs are contended that, one S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1960.

Krishnama Naidu was in possession and enjoyment of the same without any hindrance whatsoever. The petitioner did not produce any order in E.A.No.73/1962 at the time of filing written statement or file this rejection of plaint. There is no order as alleged in the affidavit in E.A.No.73/1962. Hence Krishnama Naidu had no right to sell the property on 09.09.1962 to one Govindasamy. Hence Later sale deeds and partition deed were invalid in the eye of law. The petitioner did not produce any document during the filing this application for rejection of plaint.

5.5. On perusal of record, the suit property is originally belonged to one Krishnama Naidu. One S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1950. Krishnama Naidu failed to satisfy the decree and the possession was not delivered. So, Krishnama Naidu was in possession and enjoyment of the same without any hindrance. On 09.09.1962, Krishnama Naidu sold the property to one Govindasamy. Govindasamy and his legal heirs the 8th to 11th defendants as well as legal heirs of the 8th and 9th defendants entered into a partition. On 08.08.1990, and 10.08.1990, petitioner/ 9th defendant have purchased the property from the 8th to 15th defendants. But no documents produced by the petitioner/ 9th defendant for sale deeds and partition deed. The respondents/plaintiffs also not produced documents for one S.V.Arumugham, who is the husband of the 1st respondent and father of the 2nd to 6th respondents was a successful bidder of the Court Auction held on 20.01.1960.

5.6. The petitioner did not produce any document to prove the possession and right over the suit property. Hence, at this stage, petition mentioned issues are not decided by this court. Therefore, such issues can only be determined during the trial of the main suit based on evidence and documents from both sides. Hence, in the interest of justice, the present 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 27th 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.22/2026 in
O.S.No.718/2017
Dated:27.02.2026
DMC, Sulur