

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 7th day of Masi

Thursday the 19th day of February 2026

I.A.No.20/2026

in

O.S.No. 1071/2017

1. Subbathal
2. Saraswathi
3. Sundarambal
4. Deivathal
5. Shanmugham

... Petitioner/ 1st to 5th 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 Petitioners 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 respondents/ plaintiffs filed the main suit seeking "Declaration of the Partition deed dated 04.01.2012 registered as document No.144/2012 as null and void and also sought for permanent injunction in respect of the entire suit properties to restrain the respondents from disturbing the Plaintiffs' alleged possession and enjoyment of the suit property." The Plaintiffs had valued the suit under section 25(d) and 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act by paying a fixed court fee.

1.2. The Plaintiffs in the Plaint in paragraph No. XVIII, the Plaintiffs have specifically recited that the Partition Deed entered into between defendants have caused a shadow over the absolute title of the Plaintiffs over the suit property. The allegations in the Plaint indicate that even according to the Plaintiffs case, the Partition Deed dated 04.01.2012 has denied the Plaintiffs' title over the suit property. A clear and bare reading of the Plaint would indicate that the Partition Deed dated 04.01.2012 is directly denying the Plaintiffs' title to the suit property.

1.3. When the Plaintiffs are seeking injunction and the Plaintiffs title is denied even according to the Plaint averments, then the Plaint ought to be valued under section 27(a) of the Tamil Nadu Court Fees and Suits Valuation Act Section 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act is clause which is a residuary clause for cases relating to any other case which is not falling under section 27(a) and section 27(b). Section 27(b) deals with injunction relating to plaintiff's exclusive right to deal with his/her intellectual property. Section 27(a) deals with cases where plaintiff's title to the immovable property is denied. In such cases court fees ought to be paid on one-half of the market value of the suit property.

1.4. In the case on hand, the market value of the property is valued at crores. In such circumstances, the Court Fee ought to be valued at one half of such

market value. If the Plaintiffs are valuing the suit at one half of the market value, then this Court will not have jurisdiction to try the suit. The aforesaid narration will go to show that the Plaintiffs have purposely undervalued the suit with the sole intention to evade the court fee by making loss to the exchequer.

1.5. The plaint has been grossly undervalued. The Plaintiffs have misled the ministerial officers while numbering the suit. In law, the advocates and litigants are equally duty bound to pay the court fee and the court fee cannot be sacrificed by showing judicial generosity. Further, in law the cardinal principle that should be borne in mind while disposing a question relating to court fee or verifying the plaint is that the Court should not be carried away by the form in which the plaint is drafted but the Court should keep in mind the substance to ascertain the actual relief asked for. The Plaintiffs deliberately failed to value the suit properly in order to circumvent the payment of proper court fee and thereby the Plaintiffs have failed in the duty cast upon to pay the correct and proper court fee.

1.6. Under law where the relief claimed is undervalued, and the Plaintiffs on being required by the court to correct the valuation within a time to be fixed by the court, fails to do so, then this Court is entitled to reject the plaint straight away. The entire facts and details as culled out above clearly establish the gross under valuation and the Plaintiffs are liable to rectify the same, as otherwise, the plaint has to be rejected. The petitioners are also advised to state that it is a settled legal position, that an application to reject the Plaint can be filed at any stage before the matter is reserved for judgment.

1.7. Under such circumstances, unless the Plaintiffs are called upon to rectify the valuation and pay the deficit court fee within a time fixed by this Court and upon failure to do so order rejection of the Plaintiff, petitioners will be put to irreparable loss and hardship. Hence, the petition 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.20/2026 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 Petitioners / 1st to 5th Defendants have 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 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. Save what is explicitly admitted herein the 3rd Respondent / 3rd Plaintiff denies the various allegations made in such interlocutory application and put the Petitioners / 1st to 5th Defendants strict proof thereof.

2.2. The Petitioners/ 1st to 5th Defendants alleged in the application at para 2 of the affidavit that the Respondents / Plaintiffs have filed the suit seeking declaration of the Partition Deed dated 04.01.2012 registered as document No.144/2012 as null and void and also sought for permanent injunction in respect of the entire suit properties to restrain the Petitioners from disturbing the Respondents' alleged possession and enjoyment of the suit property and the Respondents had valued the suit under section 25(d) and 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act by paying a fixed court fee.

2.3. The allegations in the Plaint indicate that even according to the Respondents' case, the Partition Deed dated 04.01.2012 has denied the Plaintiff's title over the suit property and further alleged that a clear and bare reading of the Plaint would indicate that the partition deed dated 04.01.2012 is directly denying the Respondents title over the suit property and further alleged that they are advised to state that when the Respondents are seeking injunction and the Respondents title is

denied even according to the Plaint averments is utterly false, since the suit is taken on file and asked the Petitioners to file their written statement and accordingly they have filed their written statement and parties are adduced evidence and now pending for final arguments and therefore at this advanced stage of case the present petition is untenable. It is pertinent to mention that the 1st Respondent and other Respondents are not the parties to the said documents and further it was collusion and fraud and mislead the true facts and without having any title over the suit property and therefore the present suit filed by the Respondents/Plaintiffs in accordance with the law.

2.4. Wherein the Petitioners 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. 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 contrary contention of the Petitioner hereby denies as being false and untenable.

2.5. 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. Obviously, therefore, all contrary contentions and claims of the Petitioner are absolutely false, baseless and unsustainable. 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 petitioners/ 1st to 5th defendants and other defendants. The original suit is connected with O.S.No.8/2021 and O.S.No.160/2021. The trial conducted in O.S.No.1071/2017 and now pending defendants side arguments.

5.2. The petitioners stated that, the market value of the property is valued at crores. In such circumstances, the Court Fee ought to be valued at one half of such market value. If the Plaintiffs are valuing the suit at one half of the market value, then this Court will not have jurisdiction to try the suit. The Plaintiffs have purposely undervalued the suit with the sole intention to evade the court fee by making loss to the exchequer. The Plaintiffs deliberately failed to value the suit properly in order to circumvent the payment of proper court fee and thereby the Plaintiffs have failed in the duty cast upon to pay the correct and proper court fee.

5.3. The respondents objected that, the Petitioners 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 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. 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.

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 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).*

5.5. On perusal of record, the suit in O.S.No.1071/2017 is connected with O.S.No.8/2021 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. *Section 27(a) in Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (a) where the relief sought is with reference to any immovable property, and (i)where the plaintiff alleges that his title to the property is denied, or (ii)where an issue is framed regarding the plaintiff's title to the property.*

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. Further, though it is stated that the court fee paid by the plaintiffs 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.

5.8. This suit filed in the year of 2014. Now the 1st to 5th defendants stated that, the market value of the property is valued at crores. In such circumstances, the Court Fee ought to be valued at one half of such market value. If the Plaintiffs are valuing the suit at one half of the market value, then this Court will not have jurisdiction to try the suit. It will be decided at the time of the judgment. Considering the objection made by the respondents 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.20/2026 in
O.S.No.1071/2017
Dated:19.02.2026
DMC, Sulur