

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Wednesday the 21st day of January, 2026

I.A.No.6/2022
in
O.S.No.241/2022

P.Shanmugakani . . . Petitioner / 7th Defendant.

/Vs/

1. Geetha Sai Boddupalli
2. Jyoti Tadeipalli
3. Sai Ram K
4. Shyam Venkata Shiva K . . . Respondents / Plaintiffs.
5. K.Arjunan
6. S.Dhiraviam
7. Malliga Ayyanathan
8. P.Ayyanathan
9. A.Saikumar
10. M/s. RMS Infrastructure Private Limited,
College Road, Nungambakkam,
Chennai - 600 042.
11. The Sub-Registrar (Velachery),

Jagannathapuram,

Velachery, Chennai - 600042.

12. The Tahsildar,

Sholinganallur Taluk,

Sholinganallu, Chennai - 600119.

. . . Respondents/D1 to D6, D8 & D9.

This petition came up before me for final hearing on 12.9.2025 in the presence of Tvl.S.Manikandan and S.Kalaivani, Advocates for the petitioner, Tvl.P.Mohan Prasad and A.Vidya, Advocates of M/s.Viruksham Legal for the respondents 1 to 4 and the other respondents are formal parties to the petition, upon hearing the arguments of both side counsel, perusing the written arguments filed by the learned counsel for both side, perusing the entire records and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner / 7th defendant under Order 7 Rule 11 (a) and 11(d) of CPC to reject the plaint in O.S.No.241/2022 with exemplary costs.

2. The averments set out in the petition filed by the petitioner briefly read as follows:

The petitioner is the 7th defendant in the suit. The 1st defendant K.Arjunan S/o. Karuppaiah purchased an extent of 4800 sq.ft.,

comprised in survey No.119 in Madipakkam Village, Ram Nagar Layout from K.B.Gopinathan under sale deed dated 18.4.1963 vide document No.700/1963 and subsequently the patta bearing No.19376 for survey No.119/28 was issued in the name of 1st defendant and he was in possession and enjoyment of the same from 18.4.1963. The 1st defendant had executed a power of attorney deed dated 9.3.2018 in favour of 2nd defendant S.Dhiraviam in respect of the said property to maintain the same with power of alienation. Subsequently the 2nd defendant on behalf of 1st defendant had sold an extent of 2400 sq.ft., out of 4800 sq.ft., (Northern portion) in favour of 3rd defendant Malliga Ayyanathan under the sale deed dated 18.4.2018 vide document No.2048/2018 for a sale consideration of Rs.40,20,000/-. Subsequently patta bearing No.199977 for survey No.119/28 was issued in the names of 3rd and 4th defendants who are husband and wife and they were in possession and enjoyment of their respective properties from 18.4.2018. Thereafter the 3rd defendant had sold an extent of 1200 sq.ft., out of 2400 sq.ft., in plot No.1034 part (Northern portion) to the petitioner / 7th defendant P.Shanmugakani under the sale deed dated 5.10.2020 vide document No.4076/2020 for a sale consideration of Rs.20,10,000/-. Subsequently patta bearing No.21116 for survey No.119/28B was issued in the name of petitioner / 7th defendant and she has been in possession and enjoyment of the said property.

2(ii) The respondents 1 to 4 / plaintiffs have contended in plaint paragraph Nos.20 and 21 that the power of attorney executed by the 1st defendant in favour of 2nd defendant vide document No.292/2018 was not a power of attorney deed, but it was a receipt deed relating to the release of a mortgage deed. Actually, the power of attorney deed executed by the 1st defendant who is a non-resident Indian, residing at Malaysia in favour of 2nd defendant was executed at Malaysia and the same was adjudicated on 19.3.2018 at the office of the Sub Registrar, Sowcarpet vide ADJ/292/2018. Therefore, the same is a valid and enforceable document under the Registration Act, 1908. Therefore, the contention of the respondents 1 to 4/ plaintiffs does not disclose any cause of action and hence, the plaint shall be rejected under Order 7 Rule 11(a) of CPC.

2(iii) The Article 58 and 59 of the Schedule to the Limitation Act, 1963 prescribes the period of limitation of **three years** for filing a suit where a declaration is sought, or cancellation of an instrument, or rescission of a contract, which commences from the date when the right to sue first accrues. The date of registration of the power of attorney is 19.3.2018 and the date of sale deed executed by the 2nd defendant to the 3rd defendant is 18.4.2018. Whereas the suit in O.S.No.241/2022 was filed on 8.2.2022 i.e., after lapse of three years and 10 months. The right to sue first accrues falls on or before 17.4.2021, therefore the suit in O.S.No.241/2022 is to be rejected under Order 7 Rule 11(d) of CPC. The

plea taken by the respondents 1 to 4 / plaintiffs is to create an illusory cause of action so as to overcome the period of limitation and the plea raised is to be rejected as being meritless. Section 54 of the Transfer of Property Act, 1882 provides as under: -

***"54. 'Sale' defined - 'Sale' is a transfer of ownership
in exchange for a price paid or promised or part paid or
part promised"***

The definition of 'Sale' indicates that there must be a transfer of ownership from one person to another i.e., transfer of all rights and interests in the property which was possessed by the Transferor to the Transferee. Therefore, the suit filed by the respondents 1 to 4 / plaintiffs is vexatious, meritless and does not disclose a right to sue. Hence, the plaint is liable to be rejected under Order 7 Rule 11(a) of CPC. The filing of suit after lapse of 3 years and 10 months from the execution of the sale deed in the year 2018 reflects that the institution of the present suit is an afterthought. The respondents 1 to 4 / plaintiffs have apparently filed the suit after the property was further sold out by the 3rd defendant to the 7th defendant to cast a doubt/shadow on the title of the 3rd defendant. The omission of the date of execution of the sale deed dated 18.4.2018 in the prayer clause was done deliberately and knowingly, so as to mislead the court on the issue of limitation. Thus, the respondents 1 to 4 / plaintiffs have failed to discharge the onus of proof that the suit was filed within the period of limitation.

2(iv) On perusal of the sale deed dated 9.9.1962 alleged in the plaint vide document No.2065/1962, it shows the survey No.115 and paimash No.30/3. But the sale deed of the petitioner / 7th defendant dated 18.4.1963 vide document No.700/1963 shows the survey No.119 which clearly shows that the property purchased by the respondents 1 to 4 / plaintiffs is different from the property purchased by the petitioner / 7th defendant. Even in the rectification deed dated 31.10.1980 vide document No.2376/1980, there was a clerical error in mentioning of survey No.115 instead of survey No.119/2A which is on the Western side of survey No.119, whereas the property of the petitioner / 7th defendant is on the Eastern side of survey No.119. Therefore, the contentions of the respondents 1 to 4 / plaintiffs do not disclose any cause of action and hence, the plaint shall be rejected under Order 7 Rule 11(a) of CPC.

2(v) Further, the list of documents filed in support of the respondents 1 to 4 / plaintiffs in which the kist receipt No.C-6167016 dated 9.2.1989 for Rs.13/- in the name of Satyanarayanan is a fabricated one, why because Madurai receipt was used paying Kist for the property situated at Madipakkam. Likewise, on perusal of the manual encumbrance Certificate No.13353/2018 dated 28.9.2018, an endorsement was made that for the period 1960 to 1965, the Village Madipakkam for the records are damaged, but the respondents 1 to 4 / plaintiffs have fabricated the manual encumbrance Certificate by making a writing about the schedule of

property, which is utterly vexatious and an abuse of the process of the court and it should be nipped in the bud, so that bogus litigation will end at the earliest stage.

2(vi) In the rectification deed dated 31.10.1980 vide document No.2376/1980, the suit survey number was shown as 119/2A in paimash No.30/3 and in the manual encumbrance certificate No.8723/2018 dated 28.9.2018 the same survey number and paimash number are shown, whereas in the encumbrance certificate dated 26.5.2022 vide No.65784043/2022 obtained by the petitioner / 7th defendant shows the survey No.119/2, 30/3. Therefore, it is clear that the survey number of the property of the respondents 1 to 4/ plaintiffs is different from the property of the petitioner / 7th defendant, therefore the averments made in the plaint are an afterthought.

2(vii) So far as the suit value is concerned, the respondents 1to 4 / plaintiffs have undervalued the suit Memo of Valuation for guideline value as Rs.85,45,000/- whereas the market value of the property is Rs.2,16,00,000/- as per the valuation report of M/s. Stiffeners Property Valuers and Consultants filed by the respondents / plaintiffs and more fully mentioned in their list of documents in S.No.11. Therefore, one half of the value of the market value of the property is Rs.1,08,00,000/- and the court fee payable is Rs.3,24,000/- under Section 25(b) but the respondents 1 to 4 / plaintiffs undervalued the suit as Rs.42,70,000/- and paid a court fee of

Rs.1,28,100/- under Section 25(b). Therefore, the plaint shall be rejected under Order 7 Rule 11(b) of CPC. The entire cause of action alleged in the plaint is false, motivated, fabricated and without any piece of evidence. The plaint is not maintainable in the eye of law and ought to have been rejected by this court at the time of numbering itself.

2(viii) Hence, prayed for rejection of plaint in O.S.No.241/2022 under Order 7 Rule 11(a) and Rule 11(d) of CPC with exemplary costs.

3. The averments set out in the counter filed by the respondents 1 to 4 briefly read as follows :

It is denied that K.Arjunan S/o. Karuppaiah had purchased the plot No.1034 measuring an extent of 4800 sq.ft., comprised in survey No.119 in Madipakkam Village, Ram Nagar Layout from K.B.Gobinathan on 18.4.1963 under sale deed vide document No.700/1963 and had been in possession of the property since 1963. The petitioner has no locus standi to vouch on behalf of the 5th respondent / 1st defendant nor has any authentic proof been submitted by the petitioner to substantiate the statement made by her. The authenticity of the above said sale deed dated 18.4.1963 is for the 1st defendant to prove, unless the original of the aforesaid alleged document is in the possession of the petitioner. The patta No.19376 for survey No.119/28 issued by the 9th defendant is denied as invalid as the same was issued based on a false and fabricated document.

3(ii) Regarding the general power of attorney issued by the 1st defendant K.Arjunan, the same was adjudicated on 19.3.2018 at the office of the Sub Registrar, Sowcarpet vide ADJ/292/2018 is denied as false. Mere perusal of the document filed by the petitioner as the "adjudicated" power of attorney document No.292/2018 casts a doubt on the reliability of the said document. The original of the same has to be produced before this court for scrutiny. The photocopy of the same filed in the petition appears to be incomplete and unreliable.

3(iii) The 3rd and 4th defendant namely Malliga Ayyanathan and P.Ayyanathan claimed to have allegedly purchased the suit property in parts under the sale deeds dated 18.4.2018 vide document No.2048/2018 and 2049/2018 respectively for an extent of 2400 sq.ft., each mentioned in 'B' and 'C' schedule properties respectively, from the 1st defendant represented by the power agent 2nd defendant is denied as fictitious sale transaction arising out sham documents. The patta No.19977 for survey No.119/28 has been issued in the name of 3rd and 4th defendant by the 9th defendant without going through actual material facts of the records and based on sham documents. Further the alleged sale by the 3rd defendant to the petitioner / 7th defendant under sale deed dated 5.10.2020 vide document No.4076/2020 is an invalid sale which cannot be enforced in the eyes of law. Since the title of the 1st defendant to the suit property itself is illegal and unfounded, the title of the 3rd and 4th defendants to the suit

property and subsequently the title of the petitioner / 7th defendant to any part of the suit property is also illegal, as they cannot derive a better title over the suit property than that was enjoyed by the 1st defendant. The patta No.21116 for survey No.119/28B has been issued in the name of the petitioner / 7thd defendant by the 9th defendant without going through actual material facts of the records and based on fabricated documents.

3(iv) In the general power of attorney deed alleged to have been executed by the 1st defendant for appointing the 2nd defendant as power agent vide document No.R/Sowcarpet /Book 1/292/2018 on 9.3.2018 at the office of Sub Registrar, Sowcarpet, there is no reference to the "adjudicated" power of attorney or document No.ADJ/292/2018 in the said sale deeds under document Nos.2048/2018 and 2049/2018. Hence, the respondents 1 to 4 / plaintiffs have obtained certified copy of the said document No.292/2018 and discovered that the said document No.292/2018 dated 9.3.2018 is a receipt deed executed between M/s. Metal Impex and Mukesh Kumar Jain to and in favour of J.Vijaya Kumar and the same has been produced before the court. In fact, copies of all the documents whose veracity and legality has been questioned by the respondents 1 to 4/ plaintiffs in their plaint and the available documents substantiating the claim have been produced before this court.

3(v) The said illegal encroachment and bifurcation of the respondents 1 to 4/ plaintiff's property based on fraudulent documents

fabricated by the defendants first came to the knowledge of the respondents 1 to 4 / plaintiffs only on 8.4.2021 (and not on 18.4.2018 as mentioned by the petitioner / 7th defendant in the petition) as mentioned in the plaint when the 3rd plaintiff visited the suit property post covid 19 pandemic state-wide lock down and discovered that the old compound wall was partly demolished and a new partition wall bifurcating the property into two plots of 3600 sq.ft., and 1200 sq.ft, with two separate gates and notice board of the 6th defendant was erected stating that the property belonged to it. Hence, the right to sue accrued on 8.4.2021 as stated by the plaintiff in the plaint. Upon discovery of the above-mentioned facts the respondents 1 to 4 / plaintiffs caused a legal notice to the petitioner / 7th defendant and the 6th defendant on 10.5.2021 to which reply was given only by the 6th defendant on 7.12.2021. Hence, the suit is well within the limitation period as prescribed under the Indian Limitation Act, 1963. The petitioner / 7th defendant is attempting to confuse this court by misstating the facts laid out by the respondents 1 to 4 / plaintiffs in their plaint. To the best knowledge and belief of respondents 1 to 4 / plaintiffs, the documents pertaining to the suit 'A' schedule property i.e., the suit property available with them are genuine and the same will be produced at the time of trial before this court. In this regard, it is pertinent to note that the respondents 1 to 4 / plaintiffs' father served as a Defense Officer and held the senior rank

of Commander in the Indian Navy at the time of his retirement and the suit property was purchased with his hard-earned money.

3(vi) The suit is correctly valued based on the prevailing guideline value i.e., Rs.85,45,000/- wherein one half of the market value is Rs.42,70,000/- for the relief of declaration and consequential injunction and court fee of Rs.1,28,100/- under Section 25(b) of the Tamil Nadu Court Fee and Suits Valuation Act, 1955 was paid. The valuation report of M/s. Stiffeners Property Valuers and Consultants cannot be taken as the scale / basis for valuation under the Tamil Nadu Court Fee and Suits Valuation Act, 1955 since it was obtained only to facilitate the development of the suit property. The baseless objection raised by the petitioner / 7th defendant regarding the court fee paid to institute the suit is considered as malicious intention to delay the proceedings and to avoid trial. Moreover, even assuming any deficit in payment of appropriate court fee it is well settled law that the plaint cannot be rejected immediately but only after lapse of this court's direction wherein a time limit period is fixed by the court to cure the deficit, if any, by making payment of the appropriate court fee.

3(vii) All the allegations / claims made by the petitioner that are not specially dealt with in this court affidavit are also denied. The petitioner / 7th defendant in collaboration with the other defendants has fraudulently created documents to establish illegal parallel title over the

suit property and usurp the same. The documents of the aforesaid defendants are sham and do not bind the respondents 1 to 4 / plaintiffs as far as their ownership over the suit property is concerned. Needless to mention, the encumbrance created by the aforesaid defendants by way of fictitious sale deeds are void ab initio and liable to be nullified by a suitable declaration to that effect as they are false documents without any force of law and thus null and void ab initio and non-est in the eyes of law, hence the main suit. While filing the main suit, the respondents 1 to 4 / plaintiffs have filed sufficient documents to support their claim and moreover a prima facie case was made out and an ex parte injunction was obtained restraining the defendants from further alienating the suit property as well as constructing on the same. The petition filed by the petitioner / 7th defendant is not maintainable by law and does not qualify under the provisions of Order 7 Rule 11 of CPC as prescribed in the Indian Civil Procedure Code, 1908 and should be dismissed in limine with exemplary costs. The petition is filed with malafide intention to delay the process of the court and to evade from submitting original documents and proofs for scrutiny in the apprehension of being exposed. Hence, prayed for dismissal of petition.

4. The point that arise for consideration is :

Whether the plaint in O.S.No.241/2022 has to be rejected under Order 7 Rule 11 (a) and 11(d) of CPC as prayed for?

5. The written arguments filed by the learned counsel for the petitioner / 7th defendant is nothing but a short recap of the petition averments.

6. The gist of the written argument filed by the learned counsel for the respondents 1 to 4 / plaintiffs reads as follows :

The present petition in I.A.No.6/2022 have been filed by the petitioner / 7th defendant for rejection of plaint, challenging the cause of action and limitation to maintain the suit. The respondents 1 to 4 / plaintiffs have filed the suit well within the period of 3 years of Limitation i.e., after the knowledge of infringement of their right on the suit property on 8.4.2021, as envisaged under Section 17(1)(a) and Article 59 of the Limitation Act, 1963. The 8th defendant i.e., the Sub Registrar of Velachery in collusion with the 1st to 7th defendant has without perusal of any documents, registered various documents creating false title over the suit property. The 9th defendant i.e, the Tahsildar, Sholinganallur Taluk, has issued patta bearing No.19376 in the name of the 1st defendant, without verifying the material facts on record and helped the defendants by depriving the respondents 1 to 4 / plaintiffs' lawful rights over the suit property.

6(ii) The allegation of the petitioner / 7th defendant that the documents produced by the plaintiff are fabricated is denied in toto. To the best of the knowledge and belief of respondents 1 to 4 / plaintiffs, the

documents pertaining to the suit property available with them are genuine and have filed the same. The allegations made by the petitioner / 7th defendant that the property of the respondents 1 to 4 / plaintiffs and the petitioner / 7th defendant are different is denied. The boundaries of the property purchased by the petitioner / 7th defendants are as follows :-

North : Plot No.1033
South : Plot No.1034 (part)
East : VII Cross Street
West : Plot No.1036.

It is very clear from the boundaries provided in the sale deed of petitioner / 7th defendant that she purchased 1200 sq.ft., of the respondents 1 to 4 / plaintiffs' property. The property purchased by the petitioner / 7th defendant is bounded on the South by other part of Plot No.1034.

6(iii) The plaintiff has cause of action against the defendants with regard to the suit schedule property, as the defendants have created a parallel title over the respondents 1 to 4 / plaintiffs' suit property fraudulently, denying the rights of the respondents 1 to 4 / plaintiffs. The plaintiffs have correctly valued the suit property at Rs.85,45,000/- and wherein one half of the market value is Rs.42,70,000/- for the relief of declaration and consequential injunction and the court fees of Rs.1,28,100/- is paid under Section 25(b) of Tamil Nadu Court Fees and Suits Valuation Act, 1955. Assuming but not admitting that the relief

claimed is undervalued, the plaintiff shall correct the valuation within the time fixed by the court. It is clear that the suit is filed within limitation, not barred by law in force and the plaintiff has a cause of action against the defendants. The defendants have filed this vexatious application with a mal-intention to delay the process of the suit.

Therefore, the respondents 1 to 4 / plaintiffs prayed for dismissal of the petition in I.A.No.6/2022 in O.S.No.241/2022 which is filed for rejection of plaint.

7. On point :

Before going into the factual matrix of the case at hand, it is imperative to see Or.VII Rule 11 of C.P.C. which runs as follows: -

The plaint shall be rejected in the following cases: —

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;]

(f) where the plaintiff fails to comply with the provisions of rule 9:

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]

8. Even though the present petition has been filed to reject the plaint under Order 7 Rule 11 (a) and 11(d) of CPC, the petitioner has also taken a stand that relief claimed is undervalued.

9. In the petition the plea distinctly raised would be that the document primarily impugned in the suit was not a receipt deed relating to the release of a mortgage deed, it is actually, the power of attorney deed executed by the 1st defendant who is a non-resident Indian, residing at Malaysia in favour of 2nd defendant was executed at Malaysia and the same was adjudicated on 19.3.2018 at the office of the Sub Registrar, Sowcarpet vide ADJ/292/2018 and hence the same is a valid and enforceable document under the Registration Act, 1908. The further contention made would be that the description of property recited in the conveyance deeds varied especially survey number and paimash number,

the survey number of the property of the respondents 1 to 4/ plaintiffs is different from the property of the petitioner / 7th defendant, the manual encumbrance Certificate is a fabricated one and hence there is no cause of action for the suit.

10. Per contra it is contended in the counter filed by the respondent/plaintiff that mere perusal of the document filed by the petitioner as the "adjudicated" power of attorney document No.292/2018 casts a doubt on the reliability of the said document; the patta No.19977 for survey No.119/28 has been issued in the name of 3rd and 4th defendant by the 9th defendant without going through actual material facts of the records and based on sham documents; since the title of the 1st defendant to the suit property itself is illegal and unfounded, the title of the 3rd and 4th defendants to the suit property and subsequently the title of the petitioner / 7th defendant to any part of the suit property is also illegal, as they cannot derive a better title over the suit property than that was enjoyed by the 1st defendant and the patta No.21116 for survey No.119/28B has been issued in the name of the petitioner / 7thd defendant by the 9th defendant without going through actual material facts of the records and based on fabricated documents.

11. Considering the contentions made on both sides, the question of identification of the properties, the conflict in respect of description of properties, the validity and enforceability of the impugned documents are

all purely the question of facts and the specific case of the plaintiff being that the illegal encroachment and bifurcation of the respondents 1 to 4/ plaintiff's property based on fraudulent documents is the crux of the issue raised before this court which prima facie disclosed the cause of action for the suit, obviously the same cannot be the ground for rejection of plaint and the bonafides of the case of the plaintiff could be weighed only after a full fledged trial.

12. The further plea raised by the petitioner/defendant would be that the filing of suit after lapse of 3 years and 10 months from the execution of the sale deed in the year 2018 reflects that the institution of the present suit is an afterthought and the respondents 1 to 4 / plaintiffs have failed to discharge the onus of proof that the suit was filed within the period of limitation. On the contrary it is canvassed in the counter filed by the respondent that the illegal encroachment and bifurcation of the respondents 1 to 4/ plaintiff's property based on fraudulent documents fabricated by the defendants, first came to the knowledge of the respondents 1 to 4 / plaintiffs only on 8.4.2021 and not on 18.4.2018 as mentioned by the petitioner / 7th defendant in the petition; as mentioned in the plaint when the 3rd plaintiff visited the suit property post Covid 19 pandemic state-wide lock down discovered that the old compound wall was partly demolished and a new partition wall bifurcating the property into two plots of 3600 sq.ft., and 1200 sq.f.t, with two separate gates and

notice board of the 6th defendant was erected stating that the property belonged to it; hence, the right to sue accrued on 8.4.2021 as stated by the plaintiff in the plaint; upon discovery of the above-mentioned facts the respondents 1 to 4 / plaintiffs caused a legal notice to the petitioner / 7th defendant and the 6th defendant on 10.5.2021 to which reply was given only by the 6th defendant on 7.12.2021 and hence, the suit is well within the limitation period as prescribed under the Indian Limitation Act, 1963.

13. Considering the plea on both sides it goes without saying that the question of limitation which is a mixed question of fact and law could be resolved only after trial and the concept of knowledge having been taken as a defense in the plaint to bring the suit in time, it cannot be adjudged right now in a definite/concrete manner.

14. As stated supra, the petitioner has also taken a stand in the petition that as far as the suit valuation is concerned, the respondents 1 to 4 / plaintiffs have undervalued the suit Memo of Valuation for guideline value as Rs.85,45,000/- whereas the market value of the property is Rs.2,16,00,000/- as per the valuation report of M/s. Stiffeners Property Valuers and Consultants filed by the respondents / plaintiffs and more fully mentioned in their list of documents in S.No.11, therefore, one half of the value of the market value of the property is Rs.1,08,00,000/- and the court fee payable is Rs.3,24,000/- under Section 25(b) but the respondents 1 to 4 / plaintiffs undervalued the suit as Rs.42,70,000/- and paid a court fee of

Rs.1,28,100/- under Section 25(b) and therefore, the plaint shall be rejected under Order u Rule 11(b) of CPC.

15. Per contra the maintainability of the suit is defended by canvassing in the counter that the suit is correctly valued based on the prevailing guideline value i.e., Rs.85,45,000/- wherein one half of the market value is Rs.42,70,000/- for the relief of declaration and consequential injunction and court fee of Rs.1,28,100/- under Section 25(b) of the Tamil Nadu Court Fee and Suits Valuation Act, 1955 was paid, the valuation report of M/s. Stiffeners Property Valuers and Consultants cannot be taken as the scale / basis for valuation under the Tamil Nadu Court Fee and Suits Valuation Act, 1955 since it was obtained only to facilitate the development of the suit property and even assuming any deficit in payment of appropriate court fee it is well settled law that the plaint cannot be rejected immediately but only after lapse of this court's direction wherein a time limit period is fixed by the court to cure the deficit, if any, by making payment of the appropriate court fee.

16. It is not out of place to mention that Or.VII Rule 11(b) of CPC itself reads to the effect that where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so, the plaint could be rejected. Therefore, the petitioner is liable to fail on this ground as well. The reason

why other respondents did not choose to impugn the suit by way of filing a similar petition is also question mark.

17. The learned counsel for the petitioner / 7th defendant pointed out the decision reported in **(2020) 7 Supreme Court Cases 366**, wherein it is observed that the court has to determine whether plaint has prima facie disclosed the real cause of action or illusory cause of action created by clever drafting and the court must be vigilant against camouflage or suppression and if suit found to be vexatious and an abuse of process of court, it should exercise its drastic power under Rule 11 to reject the plaint under Order 7 Rule 11 of CPC. Further it is observed that the court must determine that right to sue first accrues only when cause of action arises and the suit must be instituted when right asserted in suit is infringed or there is clear and unequivocal threat of infringement by defendant.

18. Whereas on the side of the Respondents 1 to 4/ Plaintiffs the following judgments have been relied upon.

(1) The Judgment reported in **[2018] 3 S.C.R.422** vide **Chhotanben Vs. KirtibhaiJalkrushnabhai Thaakkar** wherein it is affirmed that the view taken by the trial court that the issue regarding the suit being barred by limitation in the facts of the present case, it is a triable issue and for which reason the plaint cannot be rejected at the threshold in exercise of the power under Order VII Rule 11(d).

(2) The Judgment of our *Hon'ble Supreme Court of India* in the matter of *P.V.Guru Raj Reddy Vs. P.Neeradha Reddy*, wherein is observed that the claim of the plaintiffs with regard to the knowledge of the essential facts giving rise to the cause of action as pleaded will have to be accepted as correct and at the stage of consideration of the application under Order 7 Rule 11 CPC the stand of the defendants in the written statement would be altogether irrelevant.

(3) The Judgment referred by the learned counsel for the respondents 1 to 4 / plaintiffs in the matter of *Deliben Valjibhai and others vs. Prajapati Kodarbahi Kachrabhai and another* reported in **2024 SCC OnLine SC 4105** where in it is observed that the High Court was also not justified in holding that the limitation period commences from the date of registration itself and hence, the Judgment of the High Court is unsustainable.

(4) The learned counsel for respondents/plaintiffs also placed his reliance upon the Judgments reported in

(1) **2013 SCC OnLine Mad 1502: (2013) 6 Mad LJ 119,**

(2) **2023 Live Law (SC) 311 and**

(3) *Hon'ble Madurai Bench of Madras High Court* in the case of *Gunaseelan vs. Valarmathi*.

19. As deliberated supra in detail, all the grounds raised by the petitioner are untenable as far as the claim of rejection of plaint is

concerned, though they may be the grounds available to her to non-suit the plaintiffs after a full-fledged trial. Right now, this court has no hesitation to hold that there is no reason for this court to reject the plaint.

20. In the result, the petition is dismissed accordingly.

However no order as to costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 21st day of January, 2026.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.