

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Monday, the 1st day of December 2025

I.A.No.3/2025

in

OS.No.29/2025

CNR No:TNCG01-000364-2025

1.Boney Kapoor

2.Janhvi Kapoor

3.Khushi Kapoor

4.Uma

5.Sagalakalavalli

6.Balakujambal

7.Kuppusamy

8.Thirupurasundari

9.Mohanasakunthala

10.Natarajan

11.Balasundaram

12.Jayanthinathan

13.Mohana

14.Saranya

15.Minor.Santhy

16.Vedanayagi

..Petitioners/Defendants

-Vs.-

1.M.C.Sivakami

2.M.C.Natarajan

3.Chandrabhanu

..Respondents/Plaintiffs

This Petition coming before this court on 31.10.2025 for final hearing in the presence of M/s.P.Subba Reddy, K.Ramanatha Reddy, M.Kosalaraman and B.Suresh Singh, counsels for the Petitioners/Defendants and Mr.A.M.Rajesh, counsel for the Respondents/Plaintiffs and upon hearing the arguments of both sides and perusing the material records and perusing upon written argument submitted on behalf of the petitioners/defendants 1 to 3 and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition has been filed under Order 7 Rule 11 (a) and (d) and Section 151 CPC to reject the plaint in O.S.29/2025, under Order 7 Rule 11(a) and (d) and section 151 of CPC and thus render justice.

2. The Petition averments in brief as follows:-

The petitioners are the defendants in the original suit. The 1st petitioner filing this supporting affidavit on behalf of 2nd and 3rd defendant as well. The respondents instituted the present suit seeking reliefs, a) Declaration that the sale deeds registered as document Nos. 1419/1988, 2184/1988, 2185/1988, and 2186/1988, all dated 19.04.1988, as well as the Sale deeds registered as document Nos. 4809/1992 and 4820/1992 dated 17.12.1992, along with the release deed registered as Document No. 4808/1992 dated 16.12.1992, are null and void; and

b) to pass preliminary decree for partition in respect of the suit schedule property. The 1st and 2nd Respondent/Plaintiff lack the requisite locus standi to maintain the present suit. While their claim is based on the 'Genealogy Tree' presented in paragraph 3 of the plaint to be legal heirs of the late M.C. Chandrasekaran, their claim is legally unsustainable due to their illegitimate status that too when the 1st wife was living. The 1st and 2nd Respondents/Plaintiffs are the offspring of the 3rd respondent/plaintiff, Mrs. Chandrabanu, whose marriage to the late M.C. Chandrasekaran was contracted during the subsistence of his prior and legally valid marriage to M.C. Bhanumathi. As such, the purported marriage between the late M.C. Chandrasekaran and the 3rd respondent/plaintiff is void ab initio under the law, constituting an act of bigamy. Notably, the respondent/plaintiffs have deliberately omitted this material fact from the 'Genealogy Tree' presented in paragraph 3 of the plaint. Such suppression of a vital and legally relevant fact constitutes a deliberate attempt to mislead this court and amounts to fraud, vitiating the very foundation of their claim. The 3rd respondent was fully aware that her marriage on 5.2.1975 was contracted during the subsistence of his prior and legally valid marriage to Mrs. M.C. Banumathi. As per the release deed bearing Document No. 3773/1960, the late Mr. Sambanda Mudaliar retained 2.70 acres of land in survey No.1/1, which was subsequently mutated in the revenue records as newly subdivided Survey No. 1/1B. However, this assertion is entirely false and fabricated. In Paragraph 14 of the plaint contradict this claim. As per the information

provided to the 1st respondent under the Right to Information Act, 2005, the Public Information Officer/Headquarters Deputy Tahsildar, Sholinganallur, has categorically stated that subdivisions 1/1A, 1/1B, and 1/1C were derived from the Survey No. 1/1C/1 (part) and not from Survey No.1/1. This official government record conclusively establishes misleading and contradictory nature of the respondent/plaintiff's pleadings. Thus, the Respondent/Plaintiff's claim is not only factually incorrect but also directly refuted by documented evidence, rendering the plaint liable for rejection on this ground alone. There is no cause of action to institute the suit for partition. The release deed bearing Document No.3773/1960 was duly executed on 24.3.1960. in light of the aforementioned, the primary contentions are as follow: a. None of the stakeholders have raised any claims or disputes concerning the 2.70 Acres in Survey No.1/1B of land in question at any point prior to the filing of the present suit. b. The execution of the Release Deed and subsequent mutation of revenue records occurred much prior to, the 3rd respondent/plaintiff cohabiting with the late M.C. Chandrasekaran (05.02.1975), the birth of the 1st respondent/plaintiff (02.11.1977), and the birth of the 2nd respondent/plaintiff (02.11.1995), c. The late M.C. Chandrasekaran (who passed away on 29.05.1995) never raised any claim or dispute regarding the 2.70 Acres during his lifetime. d. The 3rd respondent/plaintiff, having been fully aware of the assets of the late M.C. Chandrasekaran by virtue of cohabitation, never asserted any claim or dispute over the subject property.

e. The present suit has been instituted after an unexplained delay of 80 years from the date of the release deed, rendering it clearly barred by limitation under the applicable law. f. The 1st respondent/plaintiff attained majority on 02.11.1995, and the 2nd Respondent/Plaintiff on 06.11.1999. The respondent alleges that the legal heirs of Deivanai Ammal sold 7.50 acres of land in S.No.1/1C/1(part) by way of five registered Sale deed 19.2.1981 in favour of M/s Industrial Gas and General Supplies. However, they have suppressed these transaction and subsequently sold 4.18 acres of the same land to the Sreedevi family through four sale deeds registered on 19.4.1988, which purportedly forms the cause of action for the present suit. The respondent has made several outrageous misrepresentation in para 14 of the plaint, falsely alleging that petitioner/defendants 1 to 3 obtained Patta No. 10558 dated 14.01.2023 through fraudulent means and were not in possession of the suit property. Contrary to these baseless assertions, the Tahsildar, after conducting due diligence and verifying all relevant title documents, legally issued the Patta in accordance with due process, confirming the petitioners/Defendants lawful possession. Furthermore, petitioner/defendants 1 to 3 have consistently paid all applicable property taxes and electricity charges. The entire cause of action is predicated on fictitious and delusional averments, rendering the plaint unsustainable in law. The respondents/plaintiffs was fully aware of all the familial properties of the Late M.C. Sambandha Mudaliar even prior to instituting the present suit. Notably, the Respondent/Plaintiff had previously filed a suit in C.S.

No. 253 of 2007 (O.A. No. 361 of 2007), asserting a purported 1/5th share in the family properties along with other family members, namely M.C. Kuppusamy (7th Defendant), M.C. Rajeswari, and M.C.Nithyanandam. However, vide order dated 16.04.2009, the Hon'ble Hig Court of Madras categorically rejected the Respondent/Plaintiff's claim any share in the family properties and further declined to recognize the Respondent/Plaintiff as a legal heir of the Late M.C. Chandrasekaran. The Respondent/Plaintiff has made an interesting averment is that in Para 16. "The suit is within the period of limitation since the illegal and bogus Patta in the name of petitioner/defendants 1 to 3 itself was issued only during January 2023", however:

- a. The Respondent/Plaintiff has failed to plead from which specific date they became aware of the registered sale deeds or whether they had any prior knowledge on the sale deed, the Respondent/Plaintiff has failed to make specify detail with regard to the same.
- b. Which eventually means, the release deed in question was executed in the year 1960, yet the respondent/plaintiff has taken no actionable steps until 2025. Consequently, the claim is patently barred by limitation.
- c. The alleged five registered Sale Deeds were executed in 1988, whereas the present suit has been instituted only in 2025-44 years thereafter and the respondent/plaintiff has not specified whether he had any prior knowledge of the same. Such an inordinate and unexplained delay renders the suit clearly time-barred under the law of limitation.
- d. The Respondent/Plaintiff failed to challenge the validity of the sale deeds during the lifetime of the

late M.C. Chandrasekaran (died on 29.5.1995) Having slept over their rights for 44 long years, the legal heirs of the deceased cannot now seek to revive or reassert any claims that have long since been extinguished by law. Therefore, the suit itself has been presented without any cause of action and barred by limitation, with bogus claim for declaration. Hence it should be nipped at the bud by invoking order 7 rule 11 (a) and (d) CPC. The entire history given in the cause of action is no relevance at all, by giving a right to the respondent/plaintiff to institute this suit due to the reason that the release deed has been executed on 24.3.1960 based on the family arrangement arrived on 14.2.1960, by the above documents the rights of the parties crystallized, there is no continuation of right. On the ground of limitation also the suit does not lie. Hence the petition.

3.The averments in the counter filed by the 1st Respondent and adopted by respondents 2 and 3 in brief as follows:-

The petition filed by the petitioners is unsustainable in law and on facts of the case. All the allegations made in the affidavit specifically denied except those admitted. The allegations at Para 2 regarding the legal tenability of the suit reliefs cannot be canvassed at this stage. The further allegations at Para 3 of supporting affidavit is absolutely false, baseless and the petitioners are put to the strict proof of the same. The allegations at para 4 that the dates and events therein would establish that on the facts of it the plaint filed by respondent will not sustain legally, morally or by statute of limitation are all highly false and imaginary. The petitioners are

not legally entitled to raise disputed facts and seek to reject the plaint on the basis of such disputed facts which can only be gone into during the course of trial. The petitioner has no moral or legal right to turn the respondents 1 and 2 as illegitimate since the deponent himself has obtained a bogus and fraudulent patta in January 2023 in Patta No.10558 without furnishing any death / legal heirship certificate of Actor Sree Devi. In fact, the deponent Boney Kapoor has very cleverly suppressed the actual survey number found in the 4 sale deeds dated 19.04.1988 and had mentioned a wrong survey number. There is not even a single scrap of paper with the defendants 1 to 3 to show that they have purchased the suit property comprised in Survey No.1/1B- Acre 2.70 or 270 Cents. In the absence of any document connected to the suit subject matter, the defendants 1 to 3 are fraudulently and illegally making claims over the suit property which was never purchased by them. In order to cover up and brush under the carpet their illegal and fraudulent claims, the petitioners are indulged in personal attacks over the paternity of the plaintiffs 1 and 2 and the relationship between Late.M.C.Chandrasekaran and 3rd Plaintiff. The deponent Boney Kapoor should be the last person to question the marriage between M.C.Chandrasekaran and the 3rd Plaintiff and he absolutely has no business to claim as such. The allegations at para 5 is nothing but a repeat of earlier allegations made in earlier paragraphs. The allegations at para 6 are nothing but the extraction of portion of plaint averments. It can be seen from revenue records that Survey No.1/1B is different and distinct from

Survey No.1/1C/1 Part. Both these Survey Nos. are different and not the same. At para 14 page 13 of the Complaint, the Respondents herein have exposed the nexus and rank collusion between Defendants 1 to 3 and the revenue officials. By no stretch of imagination one can claim that Survey No.1/1A,1B and 1C were part of old Survey No.1/1C1 Part. The suit subject matter viz., Survey No.1/1B was in existence even during 1375 fasli (1965) and therefore to contend that Survey No.1/1A, 1B and 1C were carved out of Survey No.1/1C1 Part is highly incorrect. The Respondents have produced the information obtained under RTI and therefore there is no question of any suppression. It is the duty of revenue officials to explain this at the time of trial. To claim that the Plaintiffs have stated the facts borne out of documents and then state that there is no cause of action to institute the suit for partition are highly contradictory. The Petitioners have not raised a valid ground stated in Rule 11 of Order 7 CPC and are only interested in beating around bush. The allegation at para 7 of the affidavit are all absolutely false, fabricated for the purpose of the application. There is no time limit for filing a suit for partition in respect of immovable property which remain undivided. The Defendants 1 to 3 do not have any document of title to show that they have right title or interest over the suit subject matter. In the absence of not producing any scrap of paper to show their alleged right and title for the suit subject matter, Boney Kapoor and family cannot seek to reject the Complaint on the basis of an illegal and bogus patta obtained in the year 2023. Boney Kapoor and his family have no

locus standi to even plead about limitation when they are not connected with the suit subject matter and that these properties allegedly purchased by Sree Devi and her family does not relate to the suit property. The defendants 1 to 3 cannot claim that Sree Devi and Family are subsequent purchasers since M/s.Industrial Gas and General Supplies did not sell the property to Sree Devi and Family. The release deed dated 24.03.1960 would clearly establish that M C Sambanda Mudaliyar had retained 49 Acres of land for himself and executed the release deed in respect of remaining properties in favour of his children. The Adangal extract pertaining to Fasli 1375 corresponding to the year 1965 would establish that survey no.1/1B measuring 2.70 acres was registered in the name of M.C.Sambanda Mudaliyar. Therefore, the contention of the defendants 1st to 3rd that there is no documentary proof to show that the suit property belongs to M.C.Sambanda Mudaliyar is untenable. The Defendants 1 to 3 are trying to confuse this Hon'ble Court regarding the disputes in hand. Nowhere in the affidavit the Petitioners/Defendants 1 to 3 have claimed that they purchased the suit property in Survey No.1/15 2.70 Acres. While so, the contention of the Defendants 1 to 3 that the suit is barred by time can be termed as nothing but absurd. This Respondent submits that whether they are the legitimate children of Late M C Chandrasekaran or not can also be decided at the time of trial. They clearly know that if they are to face trial, the fraud and illegality of the 4 sale deeds of the year 1988 would stand exposed and the further fraud perpetrated by them in the year 2023

submitting the sale deeds of the year 1988 to the revenue department would also be exposed and that is why they want the plaint in this suit to be rejected without trial. The Defendants 1 to 3 do not have any documents of title over the suit property and that is the reason they want to shy away from trial and escape from the witness box. There are absolutely no merits in the application. The application is nothing but an abuse of process of Court. The application has been filed without any idea about the settled legal position made by the Apex Court in 2023. The application to reject Plaint deserves to be dismissed.

4. The point for consideration:-

Upon the perusal of the petition, counter and other materials this court has framed the following point for consideration:

“Whether the petition is to be allowed as prayed for”

5. Answer to the Point:-

The petitioners are the defendants in the original suit. The respondents are the plaintiff therein. The original suit was filed by the respondents for the reliefs of preliminary decree for partition and also for reliefs of declaration to set aside the sale deeds dated 19.4.1988, 16.12.1992, 17.12.1992 and release deed dated 16.12.1992. The petitioners entered appearance through their counsel. The suit is pending for filing written statement. At this stage the petitioners have come forward with the present application to reject the plaint under 7 rule 11 (a) and 11(d) CPC.

6. The petitioners state in supporting affidavit that the 2nd respondent

has no locus standi to maintain the present suit on the basis a Genealogy Tree shown in the plaint. According to the petitioners the respondents made their claim due to their illegitimate status that too when the 1st wife was living. They further contended that the 3rd respondent was fully aware that their married to late Chandrasekaran on 15.2.1975 was contracted during the subsistence of his prior and legally valid marriage with Banumathi. Therefore, the petitioners have no locus standi to file the petition.

7. It is further submitted in the supporting affidavit that the respondents alleged that as per the release deed in Document number 3773/1960, the late Sambantha retained 2.70 acres of land in Survey No. 1/1 which was subsequently sub divided in Survey No. 1/1B. The said assertion is factually incorrect and the Deputy Tahsildar, Sholinganallur has made sub divisions in 1/1A, 1/1B and 1/1C.

8. The petitioners further submitted that the respondent/plaintiffs alleged that the legal heirs of Deivanai Ammal sold 7.50 acres in Survey number 1/1C/1(part) by way of 5 registered sale deeds dated 19.2.1981. However they have suppressed these transaction and subsequently sold 4.18 acres of the same land to Sreedevi family through 4 sale deeds registered on 19.4.1988 which purportedly forms the cause of action for present suit.

9. It is also submitted by the petitioners that the respondents/plaintiffs have made several outrageous misrepresentations of the plaint falsely alleging that the petitioners 1 to 3 obtained patta

No.10558 dated 14.1.2023 through fraudulent means and were not possession of the suit property. Contrary to these baseless allegation the Tahsildar after conducting due enquiry issued patta to the petitioners and subsequently the petitioners have paid property tax and electricity charges. Therefore, the respondents have filed the suit with malafide allegations.

10. It is also the contention of the petitioners that the respondent/plaintiff had filed a previous suit is C.S No. 253/2007 claiming 1/5th share in the family properties and the Hon'ble high court of madras rejected the plaintiffs claim on 16.4.2009.

11. It is further contended that since the release deed in question was executed in the year 1960, the 5 sale deeds were executed in the year 1988, having slept over for many years the respondents have filed the suit. Therefore, the suit is barred by law of limitation.

12. Per contra, the respondents have filed a detailed counter. The sum and substance of their counter is that since the suit was filed for the relief of preliminary decree for partition there is no time limit prescribed under the law. Hence the question of limitation does not arise. It is also their contention that whether they are the legitimate children of Chandrasekaran or not can be decided at the time of trial. Therefore, the respondent submitted that the petitioners have come forward with this application without any merit and the present application is nothing but an abuse of process of law. Thus they submitted that the petition may be dismissed.

13. This court has bestowed with special attention in this regard.

Order 7 rule 11 deals about the rejection of plaint. The plaint will be rejected on the following cases: (i) where the plaint does not disclose cause of action (ii) where the relief claimed is undervalued (iii) where the plaint is insufficient stamped (iv) where the suit is barred by law (v) where the plaint is not in duplicate and (vi) where there is noncompliance with statutory provisions.

14. The learned counsel for the petitioner in his written arguments has relied upon a judgment of Hon'ble Supreme court rendered in the case of **T.Arivandandam Vs T.V Satyapal (1997) 4 SCC 467 wherein** it has been held where a meaningful and not formal reading of plaint, it is manifestly vexatious and meritless in the sense of non disclosing a clear right to sue, the court may exercise the power under Order 7 Rule 11 CPC to reject the plaint. It has been further observed that if clever drafting has created illusion of a cause of action it has to be nipped in the bud at the first hearing by examining the party. Therefore it is clear that if a plaint does not disclose a cause of action or right to sue the plaint can be rejected. Moreover, **the Hon'ble Supreme Court in the case of Kusum Ingots & Alloys Ltd. vs. Union of India (2004) 6 SCC 254** has held that the word cause of action implies a right to sue. The materials facts which are imperative for the suitor to allege and prove constitutes the cause of action. Cause of action is not defined in any statute. Negatively put it would mean that everything which, if not proved, gives the defendant an immediate right to judgment would be part of cause of action. For every action, there

has to a cause of action, if not the plaint shall be rejected summarily. Therefore, it is further clear that setting up a cause of action is a mandatory right to file a plaint. If a plaint does not show a cause of action the plaint can be rejected.

15. Moreover, the learned counsel for the petitioners also relied upon a judgment of Hon'ble Supreme Court of India pronounced in SLP©.NO.36/2021 in CA No.5131/2025 and contended that if the suit is barred by limitation the plaint can be rejected.

16. Moreover it is pertinent to be noted that for rejecting a plaint either on the non disclosure of cause of action or on the ground of law of limitation the averments made in the plaint alone are relevant. Therefore, this court has to see whether the averments made in the plaint does not disclose any cause of action and the suit is barred by limitation. In this regard, the defense taken by the defendant cannot be considered.

17.A careful perusal of the plaint averments would indicate that, as per the case of the respondents one Sambandam purchased various items of properties including suit property and continued to enjoy the same as lawful owner On 24.3.1960 Sambandam along with son executed a release deed in the year 1943 in respect of 203.91 acres out of 206.61 acres in S.No 1/1. He has retained the remaining 2.70 acres with him. The remaining extent was subsequently sub dived as S.No 1/1B in the name of Sambandam and Karpagambal . It is further stated in the plaint the other legal heirs of Sambandam were issued separate patta and separate division.

The legal heirs of Deivayanai Amma @ Rani Ammal sold 7.50 acres out of 7.78 acres allot to share of Deivayanai Ammal in S.No.1/1C/1part. The patta No 360 was also granted. They have executed release deed 1988 in favour of Industrial Gas and General Supplies. On 19.4.1988 Nithyanantham, Uma, Sagalakalavalli and Balakujambal executed 4 release deed mentioning the same survey number and also conveyed released deeds in favour of Sreedevi family and on 16.12.1992 and 17.12.1992 Actor Sreedevi and her younger sister created a release deed and two sale deeds amongst themselves. It is further stated in the plaint that D1 to D3 made application for patta after 35 year from the date of purchased by Actor Sreedevi and family and was issued patta No. 10558. During the middle of 2023 the plaintiff came to know of the fraudulent forged transaction of the year 1988 by Nithyanantham and Co in favour of Actor Sreedevi family and other transactions made by Actor Sreedevi and her younger sister. The plaintiff further alleged that the plaintiff who are undivided members of the joint family are entitled to 1/5th share in the suit property.

18. A careful perusal of the reading of the plaint would indicate that the plaintiffs have claimed their share as members of joint family. Their right to sue has been clearly established. As per the case of the plaintiffs the execution of sale deeds and release deeds came to their knowledge in the middle of the year 2023. The suit is filed in the year 2025. Therefore, since the plaintiffs are not parties to the above sale deeds and release deeds they

could file the suit within 3 years from the date of execution of the sale. The plaintiffs have also approached the court within the period of limitation. On the strength averments made in the plaint, this court comes to the categorical finding that the plaintiffs have set forth a clear cause of action to file the suit and also have filed the suit within the period of limitation.

19. At the same time, the petitioners have raised certain averments in the supporting affidavit questioning the truthfulness of the allegation made in the plaint. As stated supra, the averments made in the plaint are relevant to decide an application under Order 7 Rule 11 CPC. **The Hon'ble Supreme court in the case Dahiben vs Arvinbhai Kalyanji Bhansai (2020) SCC Online, 563** at para 12.5 has clearly stated that a plea taken by the defendant in the written statement would be irrelevant and cannot be taken for consideration. Even if the defense taken by the petitioners are considered, a falsity or truthfulness of the respondents' case can be considered only at the time of trial. In the guise of an application under Order 7 Rule 11 CPC , a mini enquiry cannot be conducted.

20. From the foregoing discussion this court holds that the petitioner has not made out any grounds to reject the plaint and this court is inclined to dismiss the application. Accordingly, the point is answered.

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

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 1st day of December 2025.

Additional District & Sessions Judge
Chengalpattu.

List of Exhibits marked on petitioner's side:

1.Ex.P1-4.7.2025- Xerox copy of order passed by W.P.No.24180/2025 by Hon'ble High Court of Judicature, Madras.

List of Exhibits and Witnesses on respondent's side: Nil

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.3/2025 in
O.S.No.29/2025
Dated:01.12.2025
ADJ/CPT
