

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

Present: Tmt.U.Monica,M.L.,  
Additional District Judge,  
Dharmapuri.

Monday, this the 24th day of November 2025

I.A.No.4/2025  
in  
O.S.No.336/2024

1.Ravikumar ..... Petitioner / defendant.  
/versus/

1.Rajeshwari.  
2.Kala. .... Respondents/plaintiffs.

This petition is coming on 10.11.2025 for final hearing before me in presence of Thiru.A.Anandh, Advocate for petitioner and Thiru.T.Nehru, Advocate for the first defendant and upon hearing both side arguments and on perusal of the entire case records and having stood over till this day, this court pronounced the following:

**ORDER**

This petition has been filed under Order-7, Rule-11 (a) and section 151 of CPC .

**2. The averments in the petition in brief is as follows:**

i) The first Defendant was allotted specific properties under a registered partition deed dated 03.08.1994, which was acted upon and accepted by all parties and revenue mutation had also taken place. After partition, the first defendant, along with his sons Late.Rajaganapathi and Late.Karthik, and his brother K.Pachai and their respective family members, executed valid and registered Sale deeds dated 27.4.2007 in favor of

the sixth defendant and the petitioner/seventh defendant. These transactions were made in good faith, for valuable consideration, and to meet urgent family expenses, as reflected in the third and fourth documents the purchasers were bona fide parties with no knowledge of any alleged defect or dispute.

ii) The registered partition deed dated 3.8.1994 conclusively severed the joint family status, and the alienating party acquired exclusive ownership over the allotted property. Hence, the respondents/plaintiffs, having no enforceable title or participation in that partition, cannot dispute subsequent transactions.

iii) The respondents/plaintiffs have no right to sue and the plaint is barred by law since they never held any share in the suit property and there was registered partition took place before the amendment of 2005 which included daughter's right of share in the property. It is crystal clear that, the plaint does not disclose any cause of action, and even otherwise, it is barred by section 6(5) of the Hindu Succession Act, 1956 and does not show any right in the respondents/plaintiffs to seek cancellation of a Sale deed executed by rightful owners as per the established law, The entire plaint is structured on clever drafting to overcome limitation, but facts show clear bar in final it is evident that there is no need decide this case by taking it to the trail based on face of the law and facts of the plaint.

iv) Therefore this court has to reject the plaint in O.S.No.336/2024 under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908, as the plaint does not

disclose any cause of action and barred by law clearly based on the facts of the plaint against the Petitioner/seventh Defendant and all other defendants; Alternatively, reject the plaint on the ground that the respondents/plaintiffs have no locus standi or right to sue, and that the suit is a vexatious and frivolous attempt to unsettle concluded transactions.

**3. The averments in the counter filed by respondent in brief is as follows:**

i) This respondent denies all the averments in the affidavit as false except those that are specifically admitted herein. This petition is a misconceived one and devoid of merits. The rules contemplated or the conditions contemplated under order 7 rule 11 of CPC alone are the criteria for seeking rejection of plaint. The petitioner is contending his defense in this application for rejection of plaint and on the basis of the said defense of the defendant the present application for rejection of plaint cannot be entertained.

ii) The suit properties are ancestral properties, mere fact of partition among sons without the participation of other legal heirs are not binding on them, therefore as the binding nature of the partition deed itself is to be tried or adjudicated and to be decided in this suit, the trial of suit alone is the only remedy and hence the suit cannot be nipped at the budding stage as claimed by the petitioner. The dispute over the entitlement of suit property has to be proved by oral and documentary evidences therefore the plaint cannot be rejected on that score.

iii) More particularly the present petitioner is only a purchaser of the joint property and therefore the petitioner has no locus standi when other defendants are not

agitating and file this application and content that the claim of the plaintiffs are not maintainable. Therefore the claim of the petitioner for rejection of the plaint on the ground of want of locus standi is liable to be dismissed

4. **The point for consideration:**

Whether the petition is to be allowed or not?

5. Heard both side. No oral evidence have been adduced on either side.

6. **Point:**

6.1) It is petitioner case that respondents/plaintiffs have no right to sue and the plaint is barred by law since they never held any share in the suit property and there was registered partition took place before the Amendment of 2005 Act which included daughter's right of share in the property, the plaint does not disclose any cause of action, and even otherwise, it is barred by section 6(5) of the Hindu Succession Act, 1956 and does not show any right in the respondents/plaintiffs to seek cancellation of a sale deed executed by rightful owners as per the established law, the entire plaint is structured on clever drafting to overcome limitation, but facts show clear bar in final, it is evident that there is no need to decide this case by taking it to the trial based on face of the law and facts of the plaint, hence plaint has to be rejected.

6.2) The respondents/plaintiffs resisted petition by contending that this petition has been filed with mala fide intention to delay the trial and harass the plaintiffs, the grounds urged do not satisfy the requirements under order 7 rule 11 of CPC. Hence the petition is liable to be dismissed.

6.3) This is a suit for partition. The contention of petitioner is that partition has been already effected by way of registered partition deed dated:3.8.1994 entered among first defendant and his brothers in this suit, so suit properties are separate properties of first defendant, he has sold it to sixth defendant and seventh petitioner and same binds plaintiffs. Admittedly in registered partition deed dated:3.8.1994, properties have been described as joint family properties. As per section 6(5) of the Hindu succession Act, 1956, daughters are also entitled to joint family properties from date of their birth. Admittedly, no partition has been taken place between first defendant, his sons and daughters. The fact that sons of first defendant have also signed in Sale deeds prove that same are joint family properties. Hence, contention of petitioner that there is no cause of action for the suit cannot be accepted at this preliminary stage.

6.4) In view of foregoing deliberations, this court is of view that all contentions raised by petitioner are not sufficient to reject this suit and these defences can be considered only at the time of trial. The authority cited by learned petitioner counsel of Hon'ble Supreme court in Dahiben vs Aravindbhai Kalyanji Bhanusali and others, wherein it has been dealt with rejection of plaint is not applicable to facts of case, as there is cause of action for this suit. The authority cited by learned petitioner counsel of Hon'ble Karnataka High court in Prafulla M.Bhat and others vs Saraswathi Sasthri and others, wherein it has been dealt with section 6(5) of the Hindu succession Act, 1956, is not applicable to facts of case.

6.5) It is well established law that that the Court does not to have to see whether the claim made by the plaintiff is likely to succeed but it has merely to satisfy itself that the allegations made in the plaint, if accepted as true, would entitle the plaintiff to the relief he claims. In ascertaining whether the plaint shows a cause of action, the court does not enter upon a trial of the issues affecting the merits of the claim made by the plaintiff. The Court should not and cannot take into consideration the defenses which the defendant may raise upon the merits; nor is the court competent to make an elaborate inquiry into doubtful or complicated questions of law or fact for rejection of the plaint.

6.6) The defendants have not filed written statement in this case. The issues in this matter has not yet been framed. Rejection of plaint takes away the very basis of the suit rendering as if there was no suit at all or that no suit was instituted. Order of dismissal of suit while recognizing the existence of a suit indicates its termination. Consequently on the grounds as raised by the petitioner/defendant, the plaint cannot be rejected in the present facts and circumstances. Hence point for consideration is answered against petitioner.

**In the result, the petition is dismissed. Considering the facts and circumstances of the case, no cost is awarded.**

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 24th day of November 2025.

Additional District Judge,  
Dharmapuri.

**Petitioner Side witness, Exhibits: Nil**  
**Respondent Side witness, Exhibits: Nil**

Additional District Judge,  
Dharmapuri.

**Fair Order**  
I.A.No.4/2025 in  
O.S.No.336/2024  
Dated:24.11.2025.