

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF
AT KANCHIPURAM

PRESENT: Tmt. Fanny Rajan, B.A., B.L.,(Hons)
Principal District Munsif, Kanchipuram

On Wednesday, the 18th day of February 2026

I.A. No. 12 of 2025

in

O.S.No.357 of 2010

CNR No. TNKP08-000082-2010

1. C. Sankar (died)
 2. S. Selvi
 3. Kodimalar
- (Impleaded as per order in Memo dated 19.12.2024)

...Petitioners/ Defendants

/Versus/

1. K. Karunakaran (died)
 2. D. Chandran Bala
 3. K. Rukmani
 4. Dhowthri
- (Impleaded as per order in memo dated 19.12.2024)

...Respondents/Plaintiffs

This Petition has come up on 23.01.2026 for final hearing before me in the presence of M/s. K.Varathan counsel for the Petitioners/Defendants and M/s.P.Balu, S. Vijayaraghavan, D. Elango counsels for the Respondents/Plaintiffs, upon hearing the argument and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following orders:

ORDER

1. This petition is filed under Order 7 Rule 11(a) and r/w 151 of CPC to reject the plaint as the plaint at this stage has not disclosed any cause of action as per their own admission made by the 2nd plaintiff in the amended plaint by which without examining the 2nd plaintiff as per procedure established by law by which the trial couldn't be proceeded with in examining the defendants side evidence in the above case and thus render justice.

Concise Statement of the averments in the Petition filed by the 2nd

Petitioner:

2. The petitioner has averred that the 1st plaintiff filed the suit against 1 and 2 defendants for permanent injunction by mentioning the purchases made by him on 05.04.2010 and sale to Chandrabala on 05.04.2010. The said sale deed was presented to Sub Registrar Office, Walajabad and after valuation under Section 47A, it was registered on 06.05.2010. At the time of filing the suit, the served copy of the sale deed is attached with a sketch by giving the document No 1552 of 2010 on 05.04.2010. Even the earlier document was subject to Section 47 and duty paid on 06.05.2010. The present 2nd plaintiff has to prove the inconsistency regarding the pleadings and the schedule which mentioned about the South by Property sold to 2nd Plaintiff D. Chandanbala and Gopal Naidu Street.

3. Even the list of documents, does not mention about the two sale deeds. Apart from that as per the plaint pleadings the property alleged to have been sold to 2nd plaintiff is only remaining extent of 4460 Sq.ft vacant site Door No. 28. Hence, the suit is filed only for 4460 sq ft alone excluding the property alleged to have been sold to 2nd plaintiff. Whiles, the said Chandanbala filed a petition to implead under Order 1 rule 10 (2) CPC in I.A. No. 981/2016. After being impleaded as defendant only, she has to be transposed to 2nd plaintiff, but was directly amended.

4. Even after her impleadment, Karunakaran was examined as PW1 and deposed about the purchase on 05.04.2010 and the Vendors having not given possession. When questioned, they said that during the life time of Ramakrishna Naidu he received money from the 1st defendant Sankar. Thus, the Karunakaran was not in possession on date of filing suit. Even under the documents dated 05.04.2010 and 24.08.2016 the 2nd plaintiff is not in possession. The 2nd plaintiff has not deposed to prove her case. Hence this petition to reject the Plaint.

Concise Statement of the averments of the Counter filed by the Respondent:-

5. The respondent denied the allegations and stated the Petition is not maintainable. All the allegations in the affidavit have been questioned in the

cross examination and issues are already framed. The 2nd Plaintiff was impleaded after due notice and counter filed by the Petitioners and only thereafter allowed. The Petition is filed to prolong the suit.

6. The suit was filed on 07.08.2010 for permanent injunction against the defendant as the 2nd defendant is the settlee from the 1st defendant. Till now, the respondent is in possession of this suit property continuously, and the same was proved by his oral evidence and documentary evidence. If oral evidence is required to prove the fact, the respondent will examine the witness, after getting the order of this court. Already this respondent has filed the documents and the marked by this court.

7. The cause of action is disclosed. The suit is duly valued and court fee paid. The suit is not barred by any law of Limitation act. The cause of action for suits are includes bundle of facts and circumstances which can be proved in evidence. The petitioner cannot prove the allegations before completion of full-fledged trial of this suit. Already, the Plaintiff's side evidence was completed and then defendant's side filed the proof affidavit (Chief examination) and posted for Marking of documents, when this petition is filed. The Hon'ble Supreme court held that upon a careful consideration of the pleadings, rightly that the suit raised triable issues requiring evidence. Hence, the petition has to be dismissed.

8. **POINT FOR CONSIDERATION:** Whether this Petition under Order VII Rule 11(a) and 151 of CPC to reject the plaint filed by the respondent/plaintiff in the above case has to be allowed or not as prayed for?

9. **DISCUSSION AND FINDINGS:** This Court considers the submissions of both the counsels and perused the materials on record. No ocular or documentary evidence has been let in by the Petitioner and Respondent.

10. The main bone of contention remains that the identification of the suit property, the non disclosure about the sale deeds, concealment of sale deeds, the lack of possession. Thus, the suit is without cause of action, the suit is an abuse of process of law. This petition is filed on 24.10.2025 when the suit is posted at the stage of defendant evidence.

11. It is well settled principle of law that for rejection of a plaint under Order VII Rule 11 CPC the court can look into only the plaint and plaint documents, the merits of the pleadings and the averments in the written statement cannot be considered, no amount of evidence can be looked into at this stage and the plaint may be rejected only on satisfaction of anyone of the grounds mentioned in Order VII Rule 11 CPC. In consideration of these dictums, this court perused and dealt with the contentions.

12. This court finds that the main contention of the petitioner is how this 2nd plaintiff who was subsequently impleaded can maintain this suit for permanent injunction. It is true that the 2nd plaintiff was impleaded as per the order dated 24.04.2017 in I.A.No.981/2016. Thereafter, the amendment application was allowed on 24.08.2018. There appears to be no appeal or revision against the said orders till date. Hence, the orders of impleadment and amendment of 2nd plaintiff have become final and binding. It cannot be re agitated when it was disposed on merits. Thus, the said contention cannot be entertained.

13. Also, the other contention that the lack of examination of the 2nd plaintiff when the relief is directly sought in her favour whether affects the case of the 2nd plaintiff is a mixed question of law and facts. The inference if any regarding the lack of evidence by the 2nd Plaintiff who seek the relief of permanent injunction and if the evidence of PW1 is sufficient to establish the 2nd Plaintiff case is to be decided by appreciating the ocular and documentary evidences.

14. The question of the possession of the 1st Plaintiff and transfer of possession to the 2nd Plaintiff and whether the 2nd plaintiff can stepped into the shoes of the 1st plaintiff upon purchase are all interlinked and shall be decided only after the trial is completed. No observation regarding the evidence and merits of the same can be decided in this petition to reject the plaint.

15. This court finds that one of the contentions of the Petitioner is that the suit property is not duly identified. There is no clarity regarding the extent of the suit property as admittedly a portion was sold to the 2nd plaintiff even at the time of filing the suit, as seen from the boundary. Whether the suit is filed omitting the portion sold or including the entire portion even after sale is again a matter of trial. This court is of the considered view that as per Order VII Rule 3 CPC, the Respondents/Plaintiffs are duty bound to clearly describe and identify his property. The schedule is prima facie clear, whether it is correct or not cannot be decided before appreciating the evidences.

16. Similarly, the cause of action is a bundle of facts. Whether the Plaintiff proved the cause of action necessitating this suit should also be decided only after due trial. If this court comes to a premature conclusion regarding the right of the Plaintiffs, the maintainability of this suit by the 2nd plaintiff only, description and identification of the property and cause of action at this juncture, it would be prejudicial to the interest of the Respondents/Plaintiffs. Only after perusal of evidences and this court would be in a position to decide the merits and demerits of the contentions raised by the Petitioners. It is also pertinent to note that the issues are already framed in the suit, Plaintiff evidence is completed and suit is posted for defendant evidence, when this petition is filed.

17. In respect of the contention regarding abuse of process of law and suppression of material facts, this court is of the considered view that if there is an abuse of process of law is a matter of evidence involving mixed question of fact and law. This court takes judicial note of the well settled principle of law that the merits and demerits of the pleadings, Plaintiff documents and if the plaintiff is entitled to the relief as prayed for can be decided only subsequent to the trial, when the case of the plaintiff is proved through ocular and documentary evidence. The truth of the pleadings or malafide if any and the entitlement to the relief cannot be determined in this petition to reject the plaint.

18. It would be premature to conclude that the Plaintiff is not entitled to maintain the suit without providing an opportunity to her to put forth his case. Only on completion of trial this court would be in a position to decide whether the Plaintiff would be entitled to relief of permanent injunction as prayed for based on the evidences on record. This court finds that the issue at hand involves mixed question of law and fact. Hence, this contention is answered accordingly.

19. In light of the said discussion and findings and after considering the pleadings in the plaint and the plaint documents, this court opines that the plaintiff has established a prima facie cause of action and there is no specific bar under law against the Plaintiff to seek the remedy sought for in respect of the suit

property against the defendants. This court also takes judicial note of the well settled principle of law that the merits and demerits of the pleadings and if the plaintiff is entitled to the relief as prayed for can be decided only subsequent to the trial, when the case of the plaintiff is proved through ocular and documentary evidence.

20. The truth of the pleadings and the entitlement to the relief cannot be determined in this petition to reject the plaint. In fact the suit is already in the defendant evidence stage when this petition is filed. All the contentions raised by the Petitioner and merits of the evidence, locus standi of the 2nd plaintiff, her right on purchase and the lack of evidence by the 2nd plaintiff, the possession as on date of suit. Also no prejudice would be caused to the Petitioner as already Plaintiff evidence is closed and posted for defendant evidence. Hence, this court is of the considered view that the Plaint cannot be rejected under the ground of lack of cause of action or barred by law under Order VII Rule 11(a). Accordingly, this Court concludes that there are no merits in this Petition to reject the Plaint under Order VII Rule 11(a) of CPC. Hence, this Petition shall be dismissed.

21. Considering the nature of relief sought for, this court is of the considered view that the parties shall bear their own costs.

RESULT :-

In the result, this Petition is dismissed. No costs.

Dictated to the steno typist partly, who directly typed the same in her Computer and partly typed by me, corrected and pronounced by me in open court, this the 18th day of February 2026.

**PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.**

Petitioner and Respondent side witness and document : NIL

**PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.**