

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munsif, Vadipatti

Dated this the 29th day of January 2026**CNR. No.TNMD 190000212025****IA. No.3 / 2025****In****O.S. No.23 / 2025**

1. S. Karthikar Murugan,
S/o. Subramani

---- *Petitioner / Defendant****//Versus//***

1. Lakshmi,
W/o. Sangili

---- *Respondent / Plaintiff*

This petition was filed before this Court on 07.08.2025 coming before me for final hearing on 29.01.2026, Advocate Thiru. K. Santhanakaruppasamy appeared for Petitioner / Defendant and Advocate Thiru. M. Vellaichamy appeared for the Respondent / Plaintiff. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 7 rule 11 (a) (d) of C.P.C. to reject the plaint.

2. **Petition averments in brief:**

The petitioners were the defendants in the main suit and the main suit was filed for declaration and injunction by the respondent / plaintiff. The petition contention was that the 2nd item of property in the suit absolutely belong to the petitioner by oral partition since 2002. From then he was in possession of the property by natham patta. Being so, the respondent / plaintiff claimed to be in possession of the 2nd item of property and filed this vexatious suit, though she had known the decree passed in favour of the petitioner in respect of the 2nd item of suit property in O.S. No.104/2020 and the appeal filed by the vendor of the respondent / plaintiff, against the judgment in O.S. No.104/2020 was also dismissed. Thereby the dispute with regard to the 2nd item of suit property was already decided and hence res judicata applied to this suit. Thus the suit filed by suppressing above material facts. The plaint has no cause of action. Hence, the petitioner / defendant filed this petition, to reject the plaint.

3. **Counter averments in brief:**

The respondent filed counter by denying the entire petition averments and stated that the petitioner cannot claim right over the title of the 2nd item of suit property as it was in possession of the respondent. Further the decree passed in O.S. No.104 of 2020 did not bind upon the respondent as she was not a party to that suit and the decree in O.S. No.104 of 2020 was no way connected to this suit. Since this suit was only filed to prevent the previous vendor from claiming title and doing any disturbance to the possession of the petitioner in item no. 2 of the suit schedule properties was only after purchase of the 2nd item of suit property by the respondent / plaintiff. Thus the contention of the 1st petitioner in claiming his right in respect of the 2nd item of the suit properties turned to be false one. Hence this petition was filed by the petitioner to prolong the suit proceedings, which is liable to be dismissed.

4. The petitioner to prove his claim had marked 4 documents; Ex.P.1 was the decree passed in O.S. No.104 of 2020 and Counter Claim No.454 of 2010, Ex.P.2 was the Judgment in O.S. No.104 of 2020, Ex.P.3 was the Decree passed in A.S. No.76 of 2019 and Ex.P.4 was the Judgment passed in A.S. No.76 of 2019. The respondent did not let in any evidence in this proceedings.

5. **Point for determination** : Whether this petition can be allowed?

i. Heard both sides. Records perused. Admittedly, the main suit was filed for declaration and injunction. The suit was pending for written statement of defendants. In such stage, the petitioner / defendant had filed this petition to reject the plaint.

ii. The petition contention was that the respondent / plaintiff had filed the main suit for declaration and injunction against this petitioner to prevent the petitioner from claiming the title of the 2nd item of suit property and from disturbing the possession of the respondent in the 2nd item of suit properties. On the other hand the petitioner only claimed the title for item no.2 of the suit properties, by stating it was already allotted to the 1st petitioner by his predecessor by oral partition. Hence the respondent / plaintiff did not have locus standi to file this main suit. Thus, the plaint did not have cause of action and deserved to be rejected.

iii. Both side parties did not let in any evidence on their side.

iv. In this petition that was filed under order 7 rule 11 of C.P.C. to reject the plaint, the main contention was that, this suit was filed by the respondent for declaration and injunction against this petitioner by alleging that this petitioner was trying to encroach the entire suit properties. But the property in item no.2 of the suit properties belong to this petitioner, hence the suit do not have cause of action, thereby the suit may be rejected. On the other hand the respondent contend that the petitioner do not have any right in item no.2 of the suit

properties and this suit was filed with proper cause of action, thereby the suit cannot be rejected.

v. The plaint was filed with prayer for declaration and injunction to prevent the defendants from claiming title and disturbing the possession of the respondent / plaintiff in the suit properties and this petition was filed for rejection of plaint.

vi. Under order 7 rule 11 of C.P.C. plaint can only be rejected if it falls under any of the following characteristics;

(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:

vii. Regarding the provision under order 7 rule 11 of C.P.C. to reject the plaint, ***our Hon'ble Supreme Court*** had laid down guidelines in ***Kamala and others v. K. T. Eshwara Sa and others, ((2008) 12 SCC 661)***, as;

“22. For the purpose of invoking Order 7 Rule 11(d) of the Code, no amount of evidence can be looked into. The issues on merit of the matter which may arise between the parties would not be within the realm of the court at that stage. All issues shall not be the subject matter of an order under the said provision.”

Further in ***Dahiben v. Arvindbhai Kalyanji Bhanusali, ((2020) 7 SCC 366)*** as,

“23.10. At this stage, the pleas taken by the defendant in the written statement and application for rejection of the plaint on the merits, would be irrelevant, and cannot be

adverted to, or taken into consideration. [Sopan Sukhdeo Sable v. Charity Commr., (2004) 3 SCC 137]”

Further in *Eldeco housing and Industries Ltd. v. Ashok vidyarthi and ors. (S.L.P. (C) NO. 19465 OF 2021)* as,

“26. However, the fact remains that all the aforesaid documents, referred to by the respondent in support of his plea for rejection of the plaint, cannot be considered at this stage as these are not part of the record with the Court filed along with the plaint. This is the stand taken by the respondent-defendant in the application filed under Order VII Rule 11 C.P.C. As noticed above, no amount of evidence or merits of the controversy can be examined at the stage of decision of the application under Order VII Rule 11 C.P.C. Hence, in our view, the impugned order of the High Court passed in the Review Application deserves to be set aside. Ordered accordingly.”

Thus according to the guidelines issued by our Hon’ble Apex Court as read above, to consider the petition on rejection of plaint, court can read the plaint averments as whole and had to decide that matter. Any new facts brought out in the written statement, facts mentioned in petition for rejection of plaint and the documents filed with them cannot be considered to reject the plaint.

viii. In accordance with the guidelines of our Hon’ble Apex Court as referred above, by considering this petition, it is clear that the petitioner, apart from pointing out the lacuna in the plaint to seek rejection of plaint under order 7 rule 11 of C.P.C., had brought out new facts in this petition regarding the petitioners title in the petition property and resjudicata. The above mentioned issues do not fall under the category mentioned in order 7 rule 11 of C.P.C. Further regarding the issue of res judicata, it can be decided by letting in evidence in the main suit. The entire facts raised in this petition are new and independent but do not point out any lacunae in the plaint and its documents. This present petition for rejection of plaint did not raise any valid ground to point out the absence of valid cause of action in the

plaint and the documents marked in support of his claim cannot be taken into consideration at this stage and the dispute raised with regard to the title and possession of the 2nd item of suit properties, can only be decided by conducting trial in the main suit.

ix. In the light of the guidelines of our Hon'ble Supreme Court as referred above, the grounds raised in this petition to reject the plaint were based only on new facts, raised apart from the present petition but it did not point out any lacunae in the plaint, to show the absence of cause of action. The issues raised in the petition regarding the suit, can only be decided in the main suit but not in this petition. In such scenario, this court find that the plaint do not fall under any of the categories mentioned in order 7 rule 11 of C.P.C. to reject the plaint and hence the plaint cannot be rejected.

6. **In the result**, the petition is dismissed, no cost.

Directly dictated to the Stenographer and computerized error checked and pronounced in the open court on **29th day of January 2026**.

District Munsif,
Vadipatti.

Petitioner side witness : Nil

Petitioner side documents :

Ex.P.1	Decree passed in O.S. No.104 of 2020 and Counter Claim No.454 of 2010
Ex.P.2	Judgment in O.S. No.104 of 2020
Ex.P.3	Decree passed in A.S. No.76 of 2019
Ex.P.4	Judgment passed in A.S. No.76 of 2019.

Respondent side witness and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT
Vadipatti
Fair Order/~~Draft Order~~
IA. No.3/2025
In
O.S. No.23/2025
Date : 29.01.2026