



Fair Order / ~~Draft Order~~

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI

PRESENT: Thiru. M.P. Ramkishore, B.E., B.L., Hons'

District Munsif, Vadipatti.

Dated this the 06th day of April 2026

CNR. No.TNMD190000342025

I.A. No.2 /2025

in

O.S. No.37/ 2025

1. Muthurani,
W/o. Murali

.... Petitioner / D2

//Versus//

1. K. Karthikeyan,
S/o. S. Krishnasamy

.... Respondent / Plaintiff

This petition is filed before this Court on 25.10.2025 and Advocate Thiru. P. Balamurali appeared for the Petitioner / D2, Advocate Thiru. R. Thangasamy appeared for Respondent / Plaintiff, and this petition came before me for final hearing on 06.04.2026. Upon hearing the arguments advanced by both side's counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. The petitioner had filed this petition under Order 7 Rule 11 (a) of CPC to reject the plaint.

IA. No.2/25 in OS. No.37/2025



Fair Order / ~~Draft Order~~

2. **Petition averments in brief :**

The petitioner was the 2nd defendant in the main suit. The suit was filed by the respondent / plaintiff for recovery of money against the defendants by unlawfully demanding the audit amount availed by the Connect India e-Commerce Pvt. Ltd., company, which was the contracting party to the respondent / plaintiff's vendor agreement. Further the petitioner was only a company staff of the said company. Thereby the respondent / plaintiff cannot claim the suit claim amount as it was rightfully adjusted by towards the audit shortage of the aforesaid company and the respondent failed to add this company as a party to this suit. Thus there was no cause of action to file this plaint, hence the suit is liable to be rejected.

3. **Counter averments in brief :**

The respondent / plaintiff denied entire averments of the petition and contended that, on the instructions of 1st defendant, the petitioner / D2 had received the suit amount from the respondent / plaintiff. Further the petitioner himself admitted the receipt of amount in the petition. But she failed to establish the reason for the money transaction. Thereby the petitioner cannot claim their employer company was connected to the suit. Further the main suit pending for written statement and there was no document was filed by the petitioner to prove his case. Hence this petition is liable to be dismissed.

4. **Points to determination :** Whether the petition is liable to allowed or not?

i. Heard on the side of petitioner. Records perused. Admittedly the suit was filed for recovery of money. The main suit was pending for written statement, in that stage the petitioner / 2nd defendant had filed the above petition along with written statement to reject the plaint.



Fair Order / ~~Draft Order~~

ii. Both the side parties did not let in any evidence.

iii. The learned petitioner counsel argued that the alleged receipt of amount was not borrowed by her but it was for the audit shortage as per company policy and also it was authorized by their company officials. As the petitioner was the only a company staff and hence the petitioner is not personally liable for any alleged monetary claim arising out of company transactions and also the said company was not added as party to the main suit. Thus there was no cause of action arose in the suit filed by the respondent / plaintiff and the relief sought for by the respondent / plaintiff in the main suit in O.S. No.37 /2025 against the defendants, hence the suit is deserved to be rejected.

iv. On the other hand, in counter the respondent denied the entire petitioner side contentions and stated as the alleged debt was received by the petitioner / 2nd defendant in accordance to the instruction of the 1st defendant but the petitioner failed to repay the same. Thus the suit was filed against the petitioner / defendants for recovery of money.

v. 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 as follows, in ***Kamala and others v. K. T. Eshwara Sa and others, ((2008) 12 SCC 661)***,

“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.”



Fair Order / ~~Draft Order~~

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.

vi. On considering this petition and the materials before this court, it is clear that the petitioner had brought out new facts in this petition regarding the amount claimed in the suit and pleaded that the suit did not have cause of action. The petitioner had tried to deny the suit claim by raising new ground as the amount was paid by the plaintiff to correct the audit shortage. The above grounds are only new



Fair Order / ~~Draft Order~~

facts that were brought out in the petition and they can only be disputed by letting in evidence in the main suit proceeding. In the light of the guidelines of the Hon'ble Supreme Court as referred above, the petition grounds to reject the plaint were based only on new facts mentioned in this present petition but it did not point out any lacunae in the plaint to reject the plaint under any ground listed under order VII rule 11 of C.P.C. The issues raised by the petitioner can only be decided in the main suit by appreciating evidence but not in this petition. In such scenario, this court cannot reject the plaint.

5. **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 *the 06th day of April 2026*.

District Munsif,
Vadipatti.

Petitioner side witness and documents : Nil

Respondent side witness and documents: Nil

District Munsif,
Vadipatti.



Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT,
Vadipatti
I.A. No.2 / 2025
in
O.S. No.37 / 2025
Fair Order / ~~Draft Order~~
Dated: 06.04.2026