

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

District Munisf, Vadipatti

Dated this the 19th day of August 2025**CNR. No.:TNMD 190000522023****IA. No.2 / 2023****In****O.S. No.43 / 2023**

1. K. Sasikumar,
S/o. Karuppanan
2. N.V. Thangadurai,
S/o. N. Velusamy

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

T. Balasubramanian,
S/o. K. Thirumalaisamy

---- *Respondent / Plaintiff*

This petition was filed before this Court on 19.06.2023 coming before me for final hearing on 19.08.2025, Advocate Thiru. R.G. Sankar Ganesh appeared for Petitioners / Defendants and Advocate Thiru. G. S. Senthilkumar 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 permanent injunction by the respondent / plaintiff. The petition contention was that an extent of 55 cents comprised in S.No.346/4A1 located in item no.2 of the suit properties was purchased by the 1st petitioner on 06.02.2018. Being so, the 1st petitioner cannot encumber the above said property as a Original Suit in O.S. No.544/2020 was filed against the respondent for recovery of money by one Hindu Nadar Uravinmurai Sangam without adding this 1st petitioner as a party to that suit. Wherein, attachment order in respect of the suit schedule properties was obtained by the said Sangam in I.A. No.231/2020 in O.S. No.544/2020. Hence the right of the 1st petitioner in respect of 55 cents of the land in item. no.2 of this suit properties was denied. Thus the suit filed by suppressing above material facts. The plaint has no cause of action. Hence, the petitioners / defendants 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 petitioners cannot claim right over the title of the 2nd item of suit property as it was in possession of the respondent and his family. Further the petitioner without any legal right had attempted to evict this respondent from the suit properties and the plea of attachment order passed in O.S. No. 544/2020 was no way connected to this suit. Since this suit was only filed to prevent the petitioner from doing any disturbance to the possession of the respondent in item no. 2 of the suit schedule properties. 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. **Point for determination** : Whether this petition can be allowed?

i. Records perused. Admittedly, the main suit was originally filed for permanent 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 permanent injunction against this petitioners to prevent the petitioners from disturbing the possession of the respondent in the suit properties. On the other hand the 1st petitioner only claimed the title for item no.2 of the suit properties, by stating it was already purchased by the 1st petitioner from the respondent. 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. Petition pleadings perused, this petition was filed by the petitioner under order 7 rule 11 of C.P.C. to reject the plaint. The main contention of the petitioner was that, this suit was filed by the respondent for permanent injunction against this petitioners by alleging that the petitioners were trying to encroach the entire suit properties but the respondent is claiming right over the the portion in item no.2 of the suit properties. On the other hand attachment order passed by the Hon'ble II Additional Subordinate Court, Madurai in IA No.231/2020 in O.S. No.544/2020 in respect of all the properties in this suit. Thereby the 1st petitioner do not have any right in item no.2 of the suit properties and this suit was filed without any merits.



v. The plaint was filed with prayer for permanent injunction to prevent the defendants from 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. Arvindhbai 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 plaint for rejection under order 7 rule 11 of C.P.C., had brought out new facts in this petition regarding; i. The petitioners right in the petition property and ii. another suit for recovery of money filed against the respondent / plaintiff and attachment order passed in respect of the entire properties in this suit. Here among the above mentioned issues did not fall under the category mentioned in order 7 rule 11 of C.P.C. Further the petitioner contended that an attachment order passed in IA. No.231/2020 in O.S. No.544/2020 without arraying the 1st petitioner as party. But no documents were filed to prove the same. 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 alone. This present petition for rejection of plaint did not raise any valid point to point



out the absence of valid cause of action in the plaint.

viii. In the light of the guidelines of our Hon'ble Supreme Court 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 by the petitioner 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.

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 **19th day of August 2025**.

District Munsif,
Vadipatti.

Petitioners side evidence and documents : Nil

Respondent side evidence and documents: Nil

District Munsif,
Vadipatti.



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Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT
Vadipatti
Fair Order/~~Draft Order~~
IA. No.2/2023
In
O.S. No.43/2023
Date : 19.08.2025

IA No.2/23 in OS No.43/2023