



**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: THIRU.A.K. MEHBUB ALI KHAN, B.L.M.,L.L.M.,
PG.D.PM/IR.Dip.in.J.J & J.Psy., PG.D.D.F.,
PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.**

Monday, the 02nd day of March 2026

**I.A. No. 14/2025
in
ORIGINAL SUIT No. 141/2024**

Jegatheesan ... Petitioner/5th defendant

-vs-

1. Sivakumaran Rajayogam
2. Narayanamoorthy ... Respondents No.1,2/Plaintiffs
3. Azhagurajan
(Director, Ariyaman Resorts Private Limited)
4. Padmakumar
(Director, All Star Hotels India Private Limited)
5. Sri Vaazh Muneeswarar Alayam,
Represented by its Administrator R.Subramanian.
6. Ganesan ... Respondents No.3 to 6 /
Defendants 1 to 4

This petition came on 24.02.2026 before this Court for final hearing in the presence of Thiru.S.Mukesh, Advocate for the petitioner/5th defendant and Thiru.B.Ravikumar, Advocate for the Respondents No.1 to



6/Plaintiffs/Defendants 1 to 4 and on heard their arguments and on perusal of records, this Court delivers the following:

ORDER

Petition filed by the petitioner/5th defendant under Order VII Rule 11 of C.P.C. to reject the plaint.

2. The contention of the petitioner/5th defendant in brief:

Though, the petitioner has made various averments in the petition, those that are relevant to this petition filed by him to reject the plaint alone are referred hereto. The property measuring 70 acres and 80 cents in Survey No.11 was purchased by the partnership firm M/S. JAS BUILDERS AND REALTORS in which the 5th defendant is a managing partner. Similarly, the 4th defendant is a representative of the fishermen community but, both D4 and D5 have been impleaded in their individual capacities instead of adding the partnership firm and the fishermen community as defendants. Though, the plaintiffs have prayed for declaration and injunction, they have not filed any document in support of their claim. The plaintiffs are in no way connected to the suit property and the description of the property given on the basis of patta number is misleading and confusing since it stands in the name of predecessors in title. The plaintiffs



should have explained how they derived title but they have not done so. They have simply relied upon a patta claiming that it is their ancestral property but has not produced the patta. They have not produced any document to show that the suit property belongs to Thiru.Periyasamy and Thiru.Sellathevar or that they had rights over the suit property or that the plaintiffs are related to them. The suit property and larger extent belonged to Mr.Abubuckar Rawuthar and joint patta No.630 was given to Abubuckar Rawuthar and his legal heirs. They have sold 25 acres to Ramamoorthy in the year 1995, who in turn sold the said extent to the 1st defendant in 2005. Later, the said Abubuckar Rawuthar and his legal heirs sold the remaining 195.35 acres to the 1st defendant in 2005. Thus, the entire extent of 220.35 acres was purchased by the 1st defendant and patta was obtained. There was a dispute between the partners of Ariyaman Resorts Pvt.Ltd., and the directors entered into compromise allotting 74.50 acres in Survey No.11 to Tr.Padmakumar. He filed C.S.410/2011 against Tr.Sriharan since, he did not act in accordance to the compromise. Similarly, when a notification to acquire the land in Survey No.11 was issued, the same was challenged by the 2nd defendant in W.P.(MD).No.14460/2019 before the Hon'ble Madurai Bench of Madras High Court. Hon'ble High Court had partly quashed the notification holding that only 7.29.0 Hectares were to be acquired.



Thereafter, M/S. JAS BUILDERS AND REALTORS have purchased a specific extent within specific boundaries under registered sale deed. The plaintiffs have no cause of action to file the suit and they have not produced any documents to show that they have title over the property. Further, the relief of declaration that the registered documents are null and void is barred by limitation since, the documents were executed in the year 2005, but the suit is filed after 19 years. The cause of action pleaded as imaginary and an invented one. The averments that the plaintiffs came to know about the documents only in 2022 are false. The property has been subjected to encumbrance between 1995 and 2024 and it is not believable that the plaintiffs did not have knowledge about the same. The property is undervalued by the plaintiffs and even as per the sale deed dated 06.09.2024 the value of an extent of 70.80 acres is given as 5,39,00,000/-. But, the suit filed for 57% of the property is valued only at Rs.80,70,000/- whereas it should have been valued at Rs.3,00,00,000/-. Therefore, the Court fee paid by the plaintiffs is not correct and the plaint has to be rejected for non-payment of proper court fees. Therefore, the petitioner prays to reject the plaint on the grounds that there is no cause of action, the suit is barred by limitation and for non payment of proper court fees.



3. The contention of the respondents/plaintiffs in brief:

The petition to reject the plaint is filed with false allegations only to delay the proceedings and to cause hardships to the plaintiffs. The plaintiffs came to know about the encumbrances only in 2022 when they verified the encumbrance certificate. Hence, they have taken action to cancel the patta and the said proceeding is pending before RDO. During pendency of the said proceeding before RDO, the defendants 5 and 6 have created documents in favour of defendants 3 and 4. Similarly, defendants 1 and 2 have attempted to alienate different portions of property by suppressing real facts. Hence, the plaintiffs published objections in Tamil Daily on 07.08.2024. However, the 5th defendant has created a sham and nominal sale deed in his favour on 06.09.2024. The averments made in the petition can be decided only after adjudication during trial. The petitioner has filed the petition without clearly stating under which provision he seeks rejection of plaint and has filed a vague petition. The suit is not barred by limitation and the petition is not maintainable. So, he prays to dismiss the petition.

4. Point for consideration in this petition is “Whether the petition be allowed and the plaint be rejected?”.



5. Heard the arguments on both sides.

6. **Answer to Point:-**

The petitioner has filed this petition to reject the plaint on three grounds namely, (i) the plaint does not disclose cause of action and (ii) that the suit is barred by limitation and (iii) that the court fee paid is improper. Hence, this court deems it proper to deal with these three grounds separately.

7. **Cause of action:**

In this case, the petitioner/5th defendant has claimed that the plaint does not disclose cause of action and that the plaintiffs have not clearly mentioned on what basis they have claimed title. He has further contended that the plaintiffs have not filed any document to show that the suit property belonged to their ancestors Periyasamy and Sellathevar or that these plaintiffs are related to them. Therefore, he would argue that there is no cause of action as such for the suit seeking declaration of title.

7.1 Per Contra, the learned counsel for the respondents/plaintiffs contended that the plaint contains the details of the ownership of the suit property and the plaintiffs have explained how they inherited the same.



They have also stated in the plaint that these defendants have created documents and thereby have denied the title, so the plaintiffs have filed the suit for declaration.

7.2 In this regard, this court is very much aware that while dealing with an application to reject the plaint based on non-disclosure of cause of action, the plaint in its entirety has to be looked into and it must be read meaningfully and as a whole. If upon such reading the court finds that the plaint discloses a cause of action, then the application under Order 7 Rule 11(a) of C.P.C must fail. However, if the court comes to a conclusion that it does not disclose a cause of action, the plaint shall be rejected. This court is also aware that while dealing with an application to reject the plaint, the plaint and the documents filed along with it, alone can be taken into consideration and the court cannot look into the written statement or even the averments made in the petition filed to reject the plaint.

7.3 It is relevant to refer to the decision of the Hon'ble Supreme Court in ***"The Church of Christ Charitable Trust and Educational Charitable Society represented by its Chairman -vs- Ponnamman Educational Trust represented by and Chairperson/Managing Trustee"***¹. In the said

¹ (2012) 8 SCC 706



decision, while defining the cause of action, the Hon'ble Supreme Court has held thus:

“the cause of action is a bundle of facts which taken with a law applicable to them gives the plaintiff the right to relief against the defendant. Every fact which is necessary for the plaintiff to prove to enable him to get a decree should be set out in clear terms.”

7.4 Similarly, in *“Geetha Vs. Nanjundaswamy”*², the Hon'ble Supreme Court following various decisions including the one in *“Church of Christ Charitable Trust of Educational Charitable Society represented by its Chairman -vs- Ponniammal Educational Trust by and Chair Person/Managing Trustee”* case has upheld that the plaint must be read meaningfully and as a whole taking it to be true.

7.5 Therefore, following the said decisions, this court carefully read the plaint and the documents filed along with it. On such careful perusal of the plaint, this court finds that the plaintiffs have pleaded that the entire extent of 220.35 acres in Survey No.11 originally belonged to three persons namely, Abubuckar Rawuthar, Periyasamy Pillai and Sellathevar, and that a

² 2023 INSC 964



joint patta was registered in their name in patta No.41 during the settlement period. It is further pleaded that Periyasamy Pillai had only one son Rajayogam who is the father of the 1st plaintiff. Similarly, Sellathevar had only one son Ramasamy Thevar who is the father of the 2nd plaintiff and that there are no other legal heirs available. The plaintiffs have further pleaded that an extent of 180 acres alone belonged to Abubuckar Rawuthar and the remaining extent belonged to the said Periyasamy and Sellathevar and after their demise to these plaintiffs. The plaintiffs have claimed that they have applied for legal heirship certificate which is not yet obtained and that the same would be produced at the time of trial. Thus, the plaintiffs have clearly pleaded how they trace their title over the suit property. They have further pleaded that the patta was wrongly granted to M/s.Ariyaman Resorts and they have initiated proceeding to cancel the same. It is also pleaded that they published a notice in Tamil Daily on 07.08.2024 claiming right over the property and restraining any person from purchasing the said property. However, the 5th defendant has purchased the same on 06.09.2024 inspite of such notice. Since, the plaintiffs apprehend that the defendants would further alienate the properties as claimed by them, they have filed the suit for declaration and injunction not to alienate and for declaration that the documents created by



the defendants are null and void.

7.6 Thus, the bare perusal of the plaint clearly shows that the plaintiffs have made averments that are required for them to prove so as to get a decree. As held by the Hon'ble Supreme court in “*Geetha Vs. Nanjundaswamy*” case, at the time of disposing application to reject the plaint, the court cannot go into the truth or otherwise of the said averments but it has to consider and take those averments to be true on the face value. Therefore, in this case this court finds that the plaint discloses specific cause of action which is required to be proved by the plaintiffs so as to succeed in the suit. Hence, it is held that the ground that the plaint does not disclose cause of action is not available to the petitioner.

8. Bar of Limitation:

The 2nd ground that is raised by the petitioner/ 5th defendant is that the relief of declaration regarding the documents as null and void is barred by limitation. He would contend that the documents were executed between 2005 and 2024 but the suit is filed only in the year 2024 after 19 years of the execution of the 1st document and therefore, the suit is barred by limitation since it is not filed within 3 years from the date of execution.



Per contra, the learned counsel for the plaintiffs contended that they came to know about the documents only when they verified the encumbrance certificate in 2022 and immediately took steps to cancel the patta and have filed the suit with 3 years from the date of knowledge about the said documents. Thus, according to the plaintiffs the suit filed within 3 years from the date of knowledge is not barred by limitation.

8.1 It is to be reminded that the question of limitation is a mixed question of facts and law. The fact whether the plaintiffs have knowledge about the documents executed in the year 2005 even before 2022 can be decided only after letting in evidence and only then it can be decided whether the suit is barred by limitation or not. On the plain reading of the plaint, it reveals that the plaintiffs gained knowledge about the existence of documents only in the year 2022, the fact which they have to prove so as to save the limitation. However, this question cannot be decided without going into the evidence about the date of knowledge of the said documents at this stage of rejection of plaint. Therefore, this court cannot hold that the suit is barred by limitation only because the petitioner has claimed that the plaintiffs had knowledge prior to 2022 about the documents and hence, the suit is barred by limitation.



8.2 This ground has to be rejected for yet another reason because the question of limitation is raised only in respect of the 3rd relief prayed by the plaintiffs namely declaration that the documents are null and void. The plea of limitation is not raised in respect other relief. It is needless to state that the law on this subject is well settled by the Hon'ble Supreme Court in *“Sejal Glass Ltd. -Vs- Navilan Merchants Pvt.Ltd.”*³, *“Madhan Prasad Aggarwal -Vs- Axis Bank Ltd.”*⁴ and followed in *“Geetha Vs. Nanjundaswamy”* referred supra. The Hon'ble Supreme Court in this regard has categorically held that the plaint, *“as presented must proceed as a whole or can be rejected as a whole but not in part”*. Thus, this plaint cannot be rejected in part only in respect of the relief of declaration regarding the documents on the basis of limitation when it is held that the plaint cannot be rejected on the ground of non disclosure of cause of action. Therefore, also the petition to reject the plaint cannot be entertained.

9. Non-payment of Court Fee:

In this case, the 3rd ground that is raised by the petitioner is that the plaintiffs have grossly under valued the suit property and they have paid lesser court fee for the relief prayed by them. He would contend that the

³ (2018) 11 SCC 780

⁴ (2019) 7 SCC 158



sale consideration as per the sale deed dated 06.09.2024 filed by the plaintiffs in respect of 70.80 acres is Rs.5,39,00,000/- and the suit is filed for an extent of 40.35 acres which is around 57% of the said 70.80 acres. Therefore, the value of the suit property would come around Rs.3 Crores whereas the plaintiffs have undervalued it at Rs.80,70,000/- only. Therefore, the court fees paid on the basis of the under value of Rs.80,70,000/- is not proper and so the court must reject the plaint. In this regard, this court has to refer the provision under Rule 11 (b) of Order VII of CPC, which reads as under:

Order VII Rule 11: Rejection of Plaint:-

(b) “Where the relief claimed is undervalued, and the plaintiff, on being required by the Court to so correct the valuation within a time to be fixed by the Court, fails to do so;.”

9.1. According to the said provision, the plaint can be rejected when the plaintiff has undervalued the plaint and on being required by the court to correct the valuation within a time to be fixed by the court, fails to do so. Meaning thereby, the court has to first come to a finding that the relief claimed has been undervalued and has to fix a specific time to correct the said valuation. If only the plaintiff fails to do so, the plaint can be rejected.



It further necessarily means that, the court should be able to decide and specify proper and correct valuation of the relief before it directs the plaintiffs to correct the valuation.

9.2. In this regard, section 7 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 as amended in the year 2017 clearly enables the plaintiff to calculate the market value based on the guideline value fixed by the Government. In this case, the plaintiffs have produced the copy of the guideline value available on-line in the registration department's website. According to the said guideline, the value for Survey No.11 is fixed at Rs.20,00,000/- per acre. Since, the suit property extends to 40.35 acres the plaintiffs have valued the suit property at Rs.80,70,000/- and have paid court fee for half of the said market value as required u/s.25(b) of Tamil Nadu Court Fee and Suit Valuation Act. Thus, the market value arrived for the suit property by the plaintiffs is only as per the provisions of law and based on the guideline value fixed by the Government for the said Survey No. Therefore, this court is of the considered opinion that the plaintiffs have not undervalued the property and they have paid the correct court fee for the said valuation. Hence, it is held that this ground to reject the plaint raised by the petitioner/5th defendant also fails.



10. Therefore, in view of the discussion made above and the decisions arrived in respect of the three grounds raised by the petitioner for rejecting the plaint, it is held that none of the ground raised by the petitioner is available to him to reject the plaint. Thus, it is held that the plaint cannot be rejected for any of the grounds raised by this petitioner and it is held that the petition is not maintainable. This point is decided accordingly.

In the result, the petition is dismissed with cost.

Dictated to Steno-typist, transcribed and typed by her in computer, corrected and pronounced by me in open Court on this the **02nd day of March 2026.**

Principal District Judge,
Ramanathapuram.

List of witnesses on either side : NIL

List of documents on either side : NIL

Principal District Judge,
Ramanathapuram.