

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Thursday the 10th day of July 2025

I.A.No.2/2024

in

O.S.No.32/2019

1. K.Mayilvaganan

2. T.Poomani

3. S.Natarajan

4. V.Chakkarapani

5. M.Sundarapandian

..... Petitioners/ 2nd to 6th Defendants

/VS/

1. Kirambar Santagirin Foundation

Pattukottai Establishment

Secretary D.Arulraj

2. R.Vayanaperumal

3. S.R.Ponnumani

4. M.Muthusamy

(As per the General Power of Attorney issued

by the 1st plaintiff in accordance with the resolution

of its executive committee, plaintiffs 2 to 4 are acting

as authorized agents)

..... 1st to 4th Respondents/Plaintiffs

5. Tamil Evangelical Lutheran Church

by its Archbishop, Trichy.

..... 5th Respondent/1st Defendant

This petition came on 18.06.2025 before this court for a final hearing in the presence of Thiru.S.Periyasamy, Learned Counsel for the Petitioners/ 2nd to 6th Defendants, Thiru.H.Muralidharan, Learned Counsel for the 1st to 4th Respondents/Plaintiffs and 5th Respondent/1st defendant remained exparte and upon hearing both sides arguments and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 7 Rule 11 of Civil Procedure Code to reject the plaint.

2. The contention of the Petitioners/ 2nd to 6th Defendants in brief:-

The petitioner is the 6th defendant in the main suit. He has filed this petition to reject the plaint for himself and the 2nd to 5th defendants. The plaintiffs have filed this suit for permanent injunction and to declare the sale deeds and power of attorney deeds in Doc Nos. 164/2015, 165/2015, 166/2015, 167/2015, 169/2015, 170/2015, 171/2015 and 172/2015. The PW1 in his cross has stated that the value of the suit properties is 5 crores and has paid a court fee of Rs.150/- by valuing the prayer for null and void as Rs.5,000/-. The plaintiff admits in his plaint that the petitioners/defendants are denying the title of the plaintiff and states that this court has no jurisdiction to try this case since the market value of the suit properties exceeds one lakh. This suit is barred by limitation. Without a relief for declaration this plaint is liable to be rejected. Hence prays to frame a preliminary issue as to whether this court has jurisdiction to try this case and to order the plaint to be returned to the Hon'ble District Court, Ramanathapuram.

3. Brief averments of the 1st to 4th Respondents/Plaintiffs in brief:

The respondents deny the averments in the petition. The sale deed dated

03.05.2015 by which the defendants claim their title have been cancelled by the Sub Register, hence there is no need for declaring the suit property as belonging to the plaintiff. Suit is not barred by limitation. The petition is not filed under the grounds mentioned in Order 7 rule 11. This petition has been filed in the stage of Pw2 chief examination for dragging the proceedings. Hence prays to dismiss the petition.

4. Point for consideration:-

Whether the petition be allowed and the plaint be rejected?

No documents filed on either side. Heard both sides.

5. Answer to the Point:-

5.1. This petition is filed by the petitioners/defendants to reject the plaint. But the prayer mentioned in the petition is to direct the court to frame the preliminary issue as to the alleged insufficient court fee paid by the plaintiff. The learned counsel for the petitioners had filed the petition along with the order copy of the Hon'ble High court in a civil revision petition reversing the decretal order passed by District Munsif, Perambalur directing the learned Munsif to frame a preliminary issue as to whether the court has pecuniary jurisdiction to try the case. In the above mentioned order of the Hon'ble High Court as relied by the petitioners counsel, the learned Munsif had dismissed the rejection of plaint and arrived at a conclusion without framing preliminary issues. Hence the Hon'ble High Court directed the trial court to frame preliminary issues.

5.2. As far as this current petition is concerned, the petitioners have filed this petition for rejection of plaint and the contents of the petition also points out the grounds on which the plaint is to be rejected. But other than that, in the prayer portion the petitioners prays to frame a preliminary issue as to the pecuniary jurisdiction on the basis of the admission made by PW1 in his cross

examination stating that the value of the suit properties is about five crores. The body of the petition claims to reject the plaint whereas in the prayer portion, prays to frame the preliminary issue. The contents and the prayer contradict each other. Two prayers cannot be maintained in a single petition. It is well settled law that the court cannot go beyond the plaint and the documents filed along in deciding rejection of the plaint.

5.3. The question of insufficient court fee, limitation and whether a suit for bare injunction is maintainable without a prayer for declaration cannot be decided in this application as it is all a mixed question of law and fact and also the petitioners claims to reject the plaint on the basis of the PW1 deposition with regard to court fees. The above said reasons can all be decided at the time of trial. Hence for the above said reasons mentioned in the petition, the plaint cannot be rejected. As far as the prayer with respect to framing of additional issues that cannot be decided in this application filed to reject the plaint. In the light of the above discussions, this petition is dismissed.

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

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 10th day of July 2025.

**District Munsif,
Mudukulathur.**

Both sides witnesses and documents : Nil

**District Munsif,
Mudukulathur.**

