

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Monday the 13th day of October 2025

I.A.No.05/2025

in

O.S.No.20/2023

1. Malik @ S.Mohamed Malik
(rep. through his brother and
power agent Abdhul Majith)

...Petitioner/ 4th Defendant

Vs

Alagumari

... Respondent/ Plaintiff

This petition came on 18.09.2025 before this court for a final hearing in the presence of Thiru.S.Sivagopal, Learned Counsel for the Petitioner/ 4th Defendant, Thiru.Y.T.Ansari, Learned Counsel for the Respondents/ Plaintiffs and upon hearing both side enquiry 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 and Section 151 of CPC to reject the plaint.

2. The contention of the Petitioner/ 4th defendant in brief:-

The petitioner is the power agent of the 4th defendant. The averments in the plaint are completely fraudulent and the plaint does not disclose a cause of

action. The plaintiff must prove the plaint averments through proper evidence. The suit is liable to be dismissed for non-joinder of necessary parties. The plaintiff is trying to encroach on the properties of the defendants. The deed through which the plaintiff seeks right is a fraudulent one and is liable to be declared as void. The suit is not properly valued. In the said sale deed dated 21.07.2022, since the sale consideration is not mentioned and necessary parties are not pleaded as a party in the suit, no cause of action can arise, and this plaint is liable to be dismissed. Hence, the petition.

3. Brief averments of the Respondents/ Plaintiffs in brief:

The respondents deny the averments in the petition. The main suit is filed for the reliefs of declaration, recovery of possession, mandatory injunction, and permanent injunction. After endorsing no objection to appoint a commissioner and after filing of the report and plan, the petitioner has now filed this present petition only to drag on the proceedings without filing the written statement. It is clear from the commissioners report and plan itself that the plaintiff is in the possession of the suit properties by constructing a house. Even after being aware of the above fact, this petition is filed to reject the plaint. All the allegations placed by the petitioner can be only proved in the trial, hence prays to dismiss the petition.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Heard both sides.

5. Answer to the Point:-

5.1. The petitioner who is the power agent of the 4th defendant has filed this petition for rejecting the plaint. The main reason stated by the petitioner is that the plaint does not disclose a cause of action. But in his petition averments

itself, the petitioner states that the sale deed dated 21.07.2022 through which the plaintiff is claiming title to the suit properties is a fraudulent one, and the plaintiff must prove his case through proper evidence. This alone creates a valid cause of action. Another stand taken is that in the said sale deed, the sale consideration is not mentioned and also the parties who are necessary to the present case are not added as defendants and states that the plaint should be rejected for non-joinder of necessary parties. But the said stands taken by the petitioner is only a question of fact and do not constitute a ground for rejecting the plaint. The same can be decided only at the time of trial by letting in proper evidence and by framing appropriate issues.

5.2. The petitioner also states that the suit is not properly valued, but other than that no explanation is given as to on which aspect the valuation is improper. In conclusion, all the grounds mentioned by the petitioner on which he seeks the plaint to be rejected, only constitute questions of fact, and they should be decided at the time of trial. In the light of the above discussions, this petition is dismissed. No cost.

6. 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 13th day of October 2025.

**District Munsif,
Mudukulathur.**

Both side witnesses and documents : Nil

**District Munsif,
Mudukulathur.**