

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Tuesday, this the 10th day of March 2026

I.A.No.2 OF 2023
in
O.S.No.11 OF 2021

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1. Sardar Khan Sahib
2. Afroz KhanPetitioners/Defendants 1 & 2.

-Vs-

1. M. MohanRespondent/Plaintiff.
2. A. Kamaluddin
3. K. Anisha Banu
4. K. Mohamed JaganRespondents/defendants 3 to 5.

This petition is coming before me for final hearing on 25.02.2026 in the presence of Thiru.R.John Solomon Raju, Advocate for Petitioners and Thiru.J.Radhakrishnan, Advocate for the 1st respondent/plaintiff and upon hearing the arguments of counsels for the Petitioners and 1st respondent and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;-

ORDER

The Petitioners/defendants 1 & 2 have filed the application Under Order VII Rule 11 of CPC, seeking an order **for rejection of plaint**.

1. The 2nd petitioner/2nd defendant has filed an affidavit for himself and on behalf of the 1st petitioner/1st defendant in support of their application contending that the plaintiff has filed the above suit for declaration and delivery of possession on the averments that there is landlord and tenant relationship

between him and the defendants and hence, the suit before this court is barred by jurisdiction and there is no specific cause of action with regard to the relief of recovery of possession as to when and how the defendants came into possession of the suit property and hence the suit is liable to be rejected.

2) The 1st respondent/plaintiff has filed a counter contending that the averments stated by the petitioners in their affidavit are all denied by the plaintiff and the application is liable to be dismissed for the reason that the petitioners have filed the said application at the stage of PW1 cross examination with an intention to drag on the proceedings of the case.

3) Point for determination is :-

Whether the application filed by the petitioners/defendants 1 & 2 for rejection of plaint is deserved to be allowed?

4) Point :- a) 1st respondent/plaintiff has filed the above suit in the year 2021 for the relief of declaration of title and for recovery of the possession of the suit property from the defendants. The petitioners/defendants 1 & 2 are seeking an order for rejection of plaint on the specific ground that this court has no jurisdiction to try the subject matter of the suit and the plaintiff has not given proper cause of action for seeking the relief of recovery of possession of the immovable property.

b) It is to be noted that the plaintiff has averred in the plaint that he has purchased the suit property from the defendants 3 to 5 by virtue of a registered sale deed dated 26.11.2018 and thereafter he has demanded the defendants to vacate and hand over the possession of the suit property and the defendants requested the plaintiff to give some time to vacate the suit property and till that period they agreed to pay rent to the plaintiff. It is pertinent to be noted the plaintiff has specifically alleged in para 10 of the plaint that the defendants neither paid rent nor vacated the suit property, but they issued reply notice with false averments in order to cheat the plaintiff and hence it was necessitated to file the present suit.

c) As stated above ,the plaintiff has specifically averred in the plaint that the defendants had issued reply notice with false claim and hence the suit was filed. The trial of the suit has already been commenced and exhibits were also marked on the side of the plaintiff. On perusal of Ex.A12 reply notice dated 26.08.2020, it is seen that the petitioners/defendants 1 & 2 have contended in the said notice that they have been in continuous possession of the suit property for more than 35 years without any demand of rent by any person that too with the knowledge of its real owners and as such they got right over the suit property by adverse possession. The defendants 1 & 2 have also denied the title of the plaintiff in Ex.A12 notice. The plaintiff has stated in para 10 of the plaint that the reply notice sent by the defendants shall form part of the plaint. The plaintiff has also furnished specific dates on which they demand the defendants to vacate the suit property and the date on which the defendants refused to hand over the suit property. Considering the plaint averments and the documents produced on the side of the plaintiff, this court is of the view that there are necessary averments in the plaint in respect of jurisdiction and cause of action for filing the suit for the relief of declaration and recovery of possession. Whether the plaintiff is entitled to get the relief of declaration and recovery of possession can be determined only after trial of the suit. The application filed by the defendants 1 & 2 lacks merit and is liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. There shall be no order as to cost.

Dictated by me to the Steno-Typist transcribed and typed by her in computer, corrected and pronounced by me in the open court on this the 10th day of March 2026.

I Additional District Judge,
Ranipet.