

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI
PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.

District Munsif, Devakottai
Thursday, the 30th day of June, 2022

I.A. 05 / 2022

in

O.S. No. 70 / 2021

Rajeswarsi

....Petitioner/1st Defendant

/Vs/

1. Selvam
2. Gandhi
3. Venkatachalam
4. Ramanathan
5. Saravanan
6. Selvakumar
7. Vigneshwaran

(Above all are representing for and behalf of Poongudi Village)

....1 to 7th Respondents/Plaintiffs

8.The District Collector,

Sivagangai

9.The Revenue Divisional Officer,

Devakottai

10.The Tahsildar,

Devakottai

11.The Village Administrative Officer,

Vasanthani

12.The Registrar,

Devakottai

....8th to 12th Respondents/2nd to
6th Defendants

This petition having been finally heard on 27.04.2022 in the presence of Mr. K.P. Mahesh, the learned counsel for the petitioner/1st Defendant and Mr. A. Dharmadurai, learned counsel for 1 to 7th Respondents/Plaintiffs and Government Pleader for 2nd to 6th Defendants and upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this Court delivers the following:

ORDER

This petition filed under Order VII Rule 11 (a) & (d) of Civil Procedure code to reject the plaint and pass any such further order or orders as this court may deem fit and proper in the facts and circumstances of the case and thus render justice.

2. The averments set out in the petition/affidavit filed by the petitioner is as follows:

2.1 The petitioner states he is the 1st defendant in the main suit and is the owner of the suit property. The petitioner further states that a sale deed has been executed in favor of the petitioner on 15/04/2011 on the file of the Sub-Registrar Office, Devakottai Vide Doc. No. 1544 of 2011. The petitioner further states that the patta and adangal were standing in the name of the petitioner and the title is vested upon the petitioner. The petitioner further states that the suit filed the plaintiffs were abuse of process of law and the same is not maintainable in the eyes of law and it is barred under Order 7 Rule 11 CPC and does not disclose cause of action under Order VII Rule 11 (a) and Order VII Rule 11 (d) of CPC.

3. The averments set out in the counter filed by the respondents:

3.1 The respondents states that till date the petition-mentioned property belongs to Sri Muthumariamman Kovil along with a well at Poongudi Village. The respondent states that the Old Survey No. 97 originally belongs to Poongudi Gramma Natham. The respondents states that during the natham nilavari thittam the new Survey No. 134/15 was wrongly entered in favor of one Thiyagarajan. The respondents further states that the said Thiyagarajan was the adopted son of one Arumugam and his biological father is one Vemban. The respondents further states that the suit has been filed for the declaration and permanent injunction and

the present application is to be dismissed in limine as the relief can be decided in the main suit.

4. Now the point for consideration is, whether the petition filed by the Petitioners / Plaintiffs to condone the delay in production of the documents is to be allowed or not?

5. No oral or documentary evidence was adduced on the side of the Petitioner/1-defendant.

6. No oral or documentary evidence was adduced on the side of the 1 to 7 Respondents/Plaintiffs.

7. Both side arguments heard. Both side learned counsels have contended by reiterating the averments made in the petition, affidavit and counter.

8. On perusal of the records, it comes to know that, the suit has been filed for the relief of Permanent Injunction and declaration.

POINTS FOR CONSIDERATION:

9. This Court is of the opinion that “Plaint barred by any law” means where Court ordinarily is prevented from taking the cognizance of such a suit. “Bar” means a plea arresting a law suit or legal claim. Rejection of plaint as barred by law and as not disclosing cause of action by merely reading the plaint and the correspondence is improper. The Plaint cannot be rejected at the threshold itself

based on the averments. A through and complete reading of the plaint discloses there exist a cause of action. Hence, the plaint cannot be rejected.

In the result, this petition is dismissed. No order as to costs.

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 30th day of June, 2022.

**District Munsif,
Devakottai**

Annexure:

List of witnesses on the side of the Petitioner/Plaintiff
NIL

List of documents on the side of the Petitioner/Plaintiff
NIL

List of witnesses on the side of the Respondents/Defendants
NIL

List of documents on the side of the Respondents/Defendants
NIL

**District Munsif,
Devakottai**