

IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE,
TIRUPPUR.

Present :- Thiru. K.R.Kannan, B.A., B.L.,
(J.O.Code.TN1220)
Additional Subordinate Judge,
Tiruppur.

Tuesday the 05th day of November 2024

I.A. No.7 / 2024

in

O.S.No. 305 / 2011

1. P.Ganapathiyappan (Died)

2. Kaliammal (Died)

3. G. Bala Subramaniam

4. Dhanalakshmi

5. Rathinambal

6. Sakunthala

....Petitioners/Defendants No.4,13 to 17

//Vs//

1. Ramathal

.....Respondent/Plaintiff

2. Lakshmi

3. Subbaiyan (Died)

4. Ponnusamy

5. Ramasamy

6. Savithri

7. S.Natarajan

8. S. Shanmugasundaram

9. S.Maheswaran

10. S.Vivekanandan

11. S. Soundarrajan (Died)

12. S.Duraisamy

13. Valarmathi

14. Kamalraj

15. Kavitha

16. Valarmathi

17. Shenbagam

18. Nithin

19. Ponsabari

.... Respondents/Defendants No.1 to 3,
5 to 12, 18 to 24

This Petition came before me on 24.10.2024 for the final hearing in the presence of Thiru.P.Suresh,B.A.,B.L., Advocate for the Petitioners/Defendants No.4, 13 to 17 and Thiru.R.Ragupathy,B.A.,B.L., Advocate for the Respondent/plaintiff and upon hearing both side arguments, and on perusal of available records, this court delivered the following.

ORDER

This petitioner, who is the 14th defendant filed this petition under Order VII Rule 11(a), 11(c) and 11(d) of CPC to reject the plaint as per the reasons pleaded in the affidavit filed along with the petition as prayed for with cost.

2. The averments stated in the affidavit filed by the petitioners are as follows:

2.1) The petitioner herein and 3rd Petitioner in the above petition and 14th Defendant in the main suit and as such, petitioner fully acquainted with facts of the above case and also representing on behalf of other petitioners. The connected suit is filed by the Plaintiff seeking the relief of Partition with entire suppression of facts and misrepresentation made before this Hon'ble Court.

2.2) The Plaintiff's relief is for suit for partition, but her pleadings did not support and forms proper cause of action for partition without the declaratory

relief; which is barred by the Limitation Act, court fees improperly paid. Hence, as per the order 7 Rule 11 (a) (c) & (d) attracts and the suit liable to be rejected.

2.3) The petitioner that already a suit for declaration, permanent injunction and mandatory injunction had been filed in O.S. No : 102/ 2011 before the Hon'ble District Munsif Court, Tiruppur and the same had been transferred before this Hon'ble court and renumbered in O.S. No: 411/2019. After institution of the said suit in O.S. No: 102/ 2011 purposely and wantonly this present suit had been filed with entire suppression of facts.

2.4) The allegations in para no.3, 4, 5, 6, 7, 8, 9 of the plaint are denied in para no. 3 to 8 of the affidavit.

2.5) The original facts are the petitioner's grandfather is the absolute owner of the portion of suit property in S.F. NO: 115/9, 115/10 totaling to an extent 1.80 acres of land. The said portion of suit property was originally purchased by petitioner's grandfather namely Palani Gounder.

2.6) The sale deed was acted upon and petitioner's grandfather is put in absolute possession and enjoyment of the said portion of suit property for his life time. After, his death petitioner's father viz., 4th defendant had been put in absolute possession and enjoyment over the said portion of suit property. After, his demise the petitioner had been put in absolute possession till now. The revenue records also stands in the favour of the petitioner's, with their predecessors name right from the year 1960 for the past 50 years will shows, the petitioner's are in absolute possession and got absolute rights and Title over the said portion of suit property.

2.7) On 22.05.1995 as per the Survey's & boundaries and Patta pass book, 1986, Act, the said portion of suit property is measured by the Taluk Surveyor and in pursuance of the Special Thasildhar, the patta was issued in No:

65 (S.F. No: 115/9), dated 22.05.1995. The petitioner father had got patta pass book, separate computer patta for the said portion of suit property in No's 65 & 537, pascili receipts from the year 1986 till 2010 and Adangal dated 25.10.2010.

2.8) The said portion of suit property is located in the S.No: 115/9 and the path way is allotted in the S.F. No: 115 / 10 as per the survey and boundaries Act & patta pass book Act, the patta in No: 537 was issued in favour of petitioner's father viz., 4th Defendant from the year 1985.

2.9) It is pertinent to seen that the 4th Defendant got his right from the year 1960 and till date possession of the said portion of suit property is clearly proved by the documents filed. The Plaintiff & 1st defendant are sisters and daughters of Late Subbe Gounder and they are claiming rights through alleged partition deed dated 02.06.1910.

2.10) The Plaintiff & 1st defendants father itself during his life time sold all the properties by virtue of the said partition deed. The 14th Defendant's grandfather had purchased the said portion of suit property from the said Late Subbe Gounder in the year 1960. In such circumstances the Plaintiff & 1st defendants are claiming illegal rights with the suit property in S.F. No: 115/9, 10 and without having physical possession over the suit property, no revenue authority patta, computer patta, pascili receipt, adangal or whatsoever for the property from the year 1910 till the year 2010 without any valid parent document or title or whatsoever with the said portion of suit property fraudulently the 1st defendant had make an settlement deed in favour of her husband 2nd defendant in D. No: 4311 / 2010 dated 19.05.2010 registered at Joint I Sub Registrar Office, Tiruppur and the Plaintiff had make an settlement deed in favour of his son 3rd defendant in D. No: 4311 / 2010 dated 19.05.2010 registered at Joint 1 Sub Registrar Office, Tiruppur.

2.11) On 01.02.2011 the Plaintiff, defendants 1 to 3 with the alleged settlement deeds and alleged pattas had try to interfere in to the said portion of suit property and it was stopped by petitioner father 4th Defendant with the help of his neighbors. Anyhow, the Plaintiff, defendants 1 to 3 will make their repeated interference and also they had chances to alienate the said portion of suit property, hence already suit had been filed in O.S. NO: 102/2011 on the file of Hon'ble District Munsiff of Tiruppur (Presently OS 411/2019 and the same is posted along with the above case. Since, petitioner father sale deed (D. No: 1) had proper boundaries, but in the alleged settlement deeds there is no boundaries found; which itself clearly shows there is no possession for the Plaintiff, defendants 1 to 3. The plaintiffs document is in the year 1960 had boundaries, but in the year 2010 non showing of boundaries by the Plaintiff and defendants 1 to 3; shows their illegal documents are falsely created by them and no property is available to them at the suit property. My father 4th defendant filed suit for declaration of the alleged settlement deeds as null and void and not acted upon and permanent injunction. Since from 21.03.2011 are busy to make illegal trespass and further alienation as permanent injunction relief had been sought for and mandatory injunction.

2.12) The 4th Defendant was died on 22.03.2013 leaving behind his son viz., 14th defendant, his wife named Kaliasammal 13th defendant and three daughters named Dhanalakshmi, Rathinambal and Sakunthala (defendants No: 15 to 17). Already, on 24.01.2013, with the almost love and affection with me, 4th defendant had vested all his rights upon WILL pertaining to the portion of suit property. If so any of the legal heirs of deceased 4th Defendant other than the 14th defendant had issues over the said WILL, thereafter they had to initiate necessary proceedings regarding the said WILL, but so far no issues raised by any of the legal heirs. In the said WILL also particularly vested rights in favour of me towards the commencement of above proceedings. The 4th Defendant last

wish is to get all the properties through WILL, as petitioner had taken much care over him and also among the family members and he had been lived till his 77th year.

2.13) There is no cause of action for the suit and the court fee paid is not proper. The declaratory relief is barred as per Limitation Act.

2.14) To the extreme thing that the Plaintiff and 1st defendant had been married before the enactment of Hindu Succession Act, 1956; and they are totally barred to claim any shares upon to the ancestral property. It's quite fishy that the alleged settlement deeds now stands in favour of 2nd & 3rd defendants; upon its execution claiming before the Hon'ble Court seeking shares would reveal about the Plaintiff's approaching of this Hon'ble Court with unclean hands.

2.15) We had preferred for cancellation of Patta before the revenue authority. The Plaintiff and 4th defendant had filed W.P. No: 3257/2011 to calling for records and to quash the said proceedings. We are also parties in the said writ proceedings. In that case during arguments reported that the writ proceedings other parties instituted suit in O.S. No: 131/2006 was filed by this Plaintiff and 4th defendant before the Hon'ble Principal Subordinate Judge of Tiruppur. The same was dismissed by the Hon'ble Court on 02.08.2023. As such the writ petition also dismissed as infructuous. Further, the Plaintiff herein through her counsel endorsed to that effect. As such writ petition was dismissed on 17.04.2024. In fact other than this suit and connected OS No: 411 / 2019 no other suit against us. Further, this matter involved Patta mutation alone we had preferred appeal before the revenue authority. The same can be rely through the affidavit filed in the said writ petition having this suil properties details. In those circumstances without prejudice if so this Plaintiff belief to have any rights against us through this case, then she should not ought to withdraw the said

writ. So, it's shows her implied admission that she no relief is available to her. The said order copy and writ affidavit is produced before this Hon'ble Court.

2.16) The Plaintiff's relief is totally barred by the Limitation on either of the facts of Partition or for declaration. Since, it's bound duty of the Plaintiff to seek declaratory relief pertaining to reserve her rights and no such relief had been brought forward; inspite the suit left its locus standi to commence upon. The Plaintiff at this juncture can't sought for declaratory relief; which hits either of the Article 58 & 59 of the Limitation Act. Further, admission of the Plaintiff and 1st defendant that they were not in possession of property and it can be reveal through the possession documents produced by me.

2.17) As stated supra inspite of admission about the non possession by Plaintiff. Inspite, the Plaintiff can't pay Court fees under 37 (2) of TNCF & S.V. Act and no possession documents for the suit property is filed by her. As such needs to pay the C.F. under 37 (1) of the TNCF & S.V. Act and it's a ground for rejection.

2.18) The Plaintiff's relief is for suit for partition, but her pleadings did not support and forms proper cause of action for partition without the declaratory relief; which is barred by the Limitation Act, court fees improperly paid. Hence, as per the order 7 Rule 11 (a) (c) & (d) attracts and the suit liable to be rejected. As such the suit itself not maintainable in pursuant of the same.

2.19) The activities of the Plaintiff also amounts to abuse of law, civil courts and civil procedure. The suit itself is an abuse of law and wasting of the time of this Hon'ble Court. The Act is very clear and rejection grounds U/o 7 R 11 (a), (c) & (d) are all very much complied with regarding to the plaint. Hence, the plaint must be rejected for the above said reasons and grounds. Hence this rejection petition. Being the suit for partition and as such other defendants are added as

one of the parties for the adjudication of this petition. So, on this grounds, the defendants 4, 13 to 17 asked this Court to reject the plaint as prayed for with cost.

3. The objections raised by the respondent by way of counter statement is as follows :-

3.1 This petition is false, frivolous, vexatious and unsustainable both in law and on facts. Except such of those allegations which are expressly admitted herein, the petitioner is put to the strict proof of the other contrary allegations contained in this petition.

3.2) It is utter false to say that the pleadings of the plaintiff did not support and forms proper cause of action for partition without the declaratory relief, which is barred by the Limitation Act, court fees improperly paid and hence, as per the order 7 Rule 11 (a) (c) & (d) attracts and the suit liable to be rejected.

3.3) It is true that already a suit for declaration, permanent injunction and mandatory injunction had been filed in O.S. No: 102/2011 before the Hon'ble District Munsiff Court, Tiruppur and the same had been transferred before this Hon'ble court and renumbered in O.S. No: 411/2019, but it is false to say that after institution of the said suit in O.S. No: 102/ 2011 purposely and wantonly this present suit had been filed with entire suppression of facts.

3.4) It is true that the facts stated in the para No: 3 of the Plaint are partly true stating that 1st defendant is sister of Plaintiff, 2nd defendant is husband of 1st defendant, 3rd defendant is son of the Plaintiff, it is true that the Plaintiff's father Subbaiah Gounder was entitled as per partition deed dated 02.06.1910 ancestrally and he had been in possession and enjoyment of the same and but it is false to say that the Plaintiff is to be put under the strict proof of the alleged facts.

3.5) In para No: 5 to 16 the plaintiff has denied the allegations raised in the affidavit in a detailed manner.

3.6) It is true that the 4th Defendant was died on 22.03.2013 leaving behind his son viz., the 3rd petitioner's as 14th defendant, his wife named Kaliammal 13th defendant and three daughters named Dhanalakshmi, Rathinambal and Sakunthala (defendants No: 15 to 17). But it is utter false to say that already, on 24.01.2013, with the almost love and affection with the 3rd petitioner. the 4th defendant had vested all his rights upon WILL pertaining to the portion of suit property. It is also false to say that if so any of the legal heirs of deceased 4th Defendant other than the 14th defendant had issues over the said WILL, thereafter they had to initiate necessary proceedings regarding the said WILL., but so far no issues raised by any of the legal heirs. It is false to say that the said WILL also particularly vested rights in favour of the 3rd petitioner towards the commencement of above proceedings and the 4th Defendant last wish is to get all the properties through WILL, as the 3rd petitioner had taken much care over him and also among the family members and he had been lived till his 77 year. It is false to say that moreover, the 3rd petitioner now maintaining his old age mother viz., 13 defendant.

3.7) It is utter false to say that no cause of action, fees paid is not proper and Court limitation the said portion of suit property comes under the rights of our ancestors as stated supra from 07.09.1960, before to the same the Plaintiff. It is utter false to say that the 1st defendant alleged to be in joint possession along with their father. It is false to say that the Plaintiff had totally failed to state on WHAT DATE SHE KNOWS about the said sale deed dated 07.09.1960, It is false to say that since the declaratory relief as per the Limitation Act provide only 3 years. It is false to say that Further, from when the 4th defendant is trying to sell the suit property is nowhere stated in the Plaintiff.

3.8) It is utter false to that to the extreme thing that the Plaintiff and 1 defendant had been married before the enactment of Hindu Succession Act, 1956; and they are totally barred to claim any shares upon to the ancestral property. It is false to say that it's quite fishy that the alleged settlement deeds now stands in favour of 2nd & 3rd defendants, upon its execution claiming before the Hon'ble Court seeking shares would reveal about the Plaintiff's approaching of this Hon'ble Court with unclean hands.

3.9) It is false to say that the petitioners had preferred for cancellation of Patta before the revenue authority. It is true that the Plaintiff and 4th defendant had filed W.P. No: 3257/2011 to calling for records and to quash the said proceedings and the petitioners are also parties in the said writ proceedings. It is true that in that case during arguments reported that the writ proceedings other parties instituted suit in O.S. No: 131/2006 was filed by this Plaintiff and 4th defendant before the Hon'ble Principal Subordinate Judge of Tiruppur and it is not correct to say that the same was dismissed by the Hon'ble Court on 02.08.2023 and as such the writ petition was closed as infructuous and the Plaintiff herein through her counsel endorsed to that effect. As such writ petition was not dismissed but closed on 17.04.2024. It is false to say that this matter was involved Patta mutation alone and they had preferred appeal before the revenue authority and The same can be rely through the affidavit filed in the said writ petition having this suit properties details. It is not correct to say that in those circumstances without prejudice if so this Plaintiff belief to have any rights against us through this case, then she should not ought to withdraw the said writ and it's shows her implied admission that she no relief is available to her

3.10) It is false to say that the Plaintiff's relief is totally barred by the Limitation on either of the facts of Partition or for declaration and it's bound duty of the Plaintiff to seek declaratory relief pertaining to reserve her rights and no such

relief had been brought forward and inspite the suit left its locus standi to 11 commence upon and the Plaintiff at this juncture can't sought for declaratory relief, which hits either of the Article 58 & 59 of the Limitation Act and it is also false to say that the plaintiff and the 1st defendant were not in possession of admission property and it can be reveal through the possession documents produced by the petitioners.

3.11) It is not correct to say that as stated supra inspite of admission about the non possession by Plaintiff and inspite the Plaintiff can't pay Court fees under 37 (2) of TNCF & S.V. Act and no possession documents for the suit property is filed by her and it is not correct to say that as such needs to pay the C.F. under 37 (1) of the TNCF & S.V. Act and it's a ground for rejection.

3.12) It is not to correct to say that the pleadings of the plaintiff for relief of partition did not support and forms proper cause of action for partition without the declaratory relief, which is barred by the Limitation Act, court fees improperly paid and it is utter false to say that as per the order 7 Rule 11 (a) (c) & (d) attracts and the suit liable to be rejected and as such the suit itself not maintainable in pursuant of the same.

3.13) It is utter false to say that the activities of the Plaintiff also amounts to abuse of law, civil courts and civil procedure and the suit itself is an abuse of law and wasting of the time of this Hon'ble Court and the Act is very clear and rejection grounds U/o 7 R 11 (a), (c) & (d) are all very much complied with regarding to the plaint and the plaint must be rejected for the above said reasons and grounds.

3.14) The cause of action for the suit stated in the plaint is true and correct. The plaintiff has given the correct value of the suit and he has paid correct court fees

for the relief. The plaintiff has filed the relevant documents on her side to prove the claim and the schedule of the property stated in the plaint is also correct and the petitioners themselves admitted the revenue records are in the name of the plaintiff and the 1 defendant and it is deemed to be joint possession and enjoyment of the suit properties and the plaintiff is having share over the suit properties. All the issues can be only decided in full pledge trail and not in this stage. For the past 13 years from the date of filling of the suit, the petitioners have never taken stand for rejection of the plaint as stated in the petition and the petition is liable to be dismissed as per limitation Act and also barred. The petitioners with intending to prolong the above suit for final disposal after full pledged trail, are filling the above with false allegations and the same is not maintainable as per in law and the petition is liable to be dismissed with cost.

4. Both parties have not examined any evidence and on the side of the Petitioners/Defendants No. 4, 13 to 17 Ex.P1 to P12 marked. On the side of Respondent/Plaintiff no documents were marked.

5. Now the Point for consideration is whether this petition has to be allowed or not ?

5.1) The petitioner's herein are the defendants 4, 13 to 17 in the suit. The respondent is the plaintiff in the suit. The parties are discussed in this order as pleaded in the plaint.

5.2) The plaintiff filed the suit on 12.04.2011 directing the defendants to divide the suit property into 3 equal shares and to allot One share to the plaintiff. After filing of the written statement issues were framed, Whether the suit properties are ancestral properties, Whether the plaintiff is in joint possession, Whether the suit is barred by the limitation, Whether the suit is maintainable without asking the relief of declaration and whether the suit is bad for non joinder of necessary parties and then the case was posted for trial on 04.03.2021.

5.3) The 14th defendant in this suit and his father filed a suit before District Munsif Court, Tirupur against the defendants 1 to 3, Ramathal and Government officials for the relief of declaration and permanent injunction. As per the orders passed by the Hon'ble Principal District Judge, in Tr.O.P.No. 5/2018 the said suit O.S.No. 102/2011 was transferred to this Court to try along with O.S.No. 305/2011. The said suit was renumbered as O.S.No.411/2009 and the same is also pending and called along with this suit.

5.4) On perusal of records, in the suit O.S.No. 102/2011 before District Munsif Court, Tirupur PW.1 was chief examined on 12.10.2017. In this suit, on 26.04.2024 defendants 18 to 21 failed to file the written statement and so they were set exparte and the suit is posted for trial along with O.S.No.411/2019. At this stage, the Defendants No. 4, 13 to 17 filed the present application to reject the plaint as per Order VII Rule 11(a),(c),(d) of CPC.

5.5) As, per Order VII Rule 11(a) of CPC a plaint can be rejected were it does not disclose a cause of action, as per Order VII Rule 11(c) of CPC where the relief claimed is properly valued but the plaint is return upon paper insufficiently stamp, and the plaintiff, on being required by the Court to supply the requesty stamp paper within a time to be fixed by the Court, fails to do so and as, per Order VII Rule 11 (d) of CPC where the suit appeared from the statement in the plaint to be barred by any law. On all the above grounds, the Defendants No. 4, 13 to 17 asked this Court to reject the plaint. It is settled law, it is the duty of the Court in order to reject the plaint, the Court has to consider the averments stated in the plaint and there is no necessity for the Court to consider the defence raised by the defendants in the written statement to reject the plaint.

5.6) The learned Defendants No.4, 13 to 17 counsel filed a detail written arguments to reject the plaint and also produced number of judgments

pronounced by Hon'ble Apex Court, Hon'ble High Court of Delhi, Hon'ble High Court of Madras, Hon'ble High Court of Gujarat, Hon'ble High Court of Allahabad Judgments to support his arguments. The written arguments and authorities submitted by the learned Defendants No.4, 13 to 17 were duly perused and considered.

5.7) On perusal of the plaint, the plaintiff who is the sister of the 1st defendant filed the suit for the relief of partition stating that the suit property was absolutely belonged to her father as per the partition deed dated 02.06.1910 and the plaintiff is in joint possession and enjoyment over the suit property. As, per the pleadings in the plaint, the father of the plaintiff died intestate on 15.10.1967 leaving the plaintiff, 1st defendant Palanisamy and other daughters as his legal heirs to succeed the suit property. The 4th defendant purchased 1.80 acres of land in survey no. 115 without the signature of the plaintiff and 1st defendant. So, the said sale deed will not bind the plaintiff and 1st defendant over the suit property. The father of the 6th defendant on 07.09.1960 purchased 0.60 cents of land in Iduvai Village without the signature of plaintiff and 1st defendant. On the basis of the above said sale deeds further alienation were also made. As, per the pleadings in para no.10 of the plaint, the plaintiff has pleaded a detail cause of action. Whether the said cause of action is a true one or not and whether the plaintiff is in joint possession and enjoyment over the suit property or not cannot be decided by way of this petition. All, the above aspects need evidence and this court has to peruse all the documents executed relating to the suit property to arrive whether the plaintiff is having a right or share over the suit property and the same can be decided only during the time of trial. Further more, on bare reading of the plaint, the relief's claimed by the plaintiff for partition is not barred by any law. Whether, the relief of partition is barred as per Limitation Act is also need evidence. It is also settled law Limitation is not a pure question of law and the same is a mixed question of law and fact.

5.8) On perusal of the plaint in para no. 11 the plaintiff pleaded the market value of suit property as Rs.4,50,000/- and paid the Court fee as per the provisions of Sec 37(2) of TNCF Act for the relief of partition stating that the plaintiff is in joint possession and enjoyment over the suit property. As, per records in this suit the Court has framed issues on 15.02.2021 and the suit is posted for trial from 01.03.2021. In the connected suit in O.S.No.411/2019 (O.S.No.102/2011) PW.1 was chief examined on 12.10.2017 and till today PW.1 was not cross examined.

Section 12 (2) of TNCF & SV Act 1955 define as follows :-

Sec : 12. Decision as to proper fee in other Courts :- (2) Any defendant may, by his written statement filed before the first hearing of the suit or before evidence is recorded on the merits of the claim but, subject to the next succeeding sub-section, not later, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim. If the Court decides that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

5.9) So, as per section 12(2) of TNCF & SV Act 1955 the question of valuation and payment of Court fee can be raised before commencement of trial. It is, also settled law the court fee issues are between the litigant and the court based upon the pleadings in the plaint. The defendant is entitled to raise the under valuation and deficit court fee as a defense and the same is not a ground to reject the

plaint. So, as per the discussions made above the reasons pleaded by the defendants 4, 13 to 17 to reject the plaint are not maintainable as per Order VII Rule 11(a),(c),(d) of CPC.

5.10) So as, per the discussions made above this Court hereby comes a conclusion as, per the pleadings pleaded in the plaint, the relief claimed by the plaintiff is not barred by any law and as, per the plaint allegations, there is cause of action for the suit. Further, more Whether the cause of action is a true one or not, Whether the plaintiff is in joint possession and enjoyment over the suit property or not, Whether the plaintiff is having a right or share over the suit property on the date of death of his father and Whether the claim made by the plaintiff is barred by the Limitation are all need evidence and this Court has to peruse all the documents executed by the parties till date relating to the suit property to grant the relief claimed by the plaintiff. It is also settled law serious legal issues in a suit could not be brought within the narrow campus of Order VII Rule 11 of the CPC and the parties should go to the whole lock in conducting the trial and ultimately the Court has to render decision.

5.11) So, as per the discussions made above this Court comes to a conclusion the reasons pleaded in the affidavit to reject the plaint are all the defence raised by the defendant in the suit by way of written statement. Hence, considering all the above aspects this Court hereby held, there is no merits in this application and the same is liable to be dismissed without cost.

Dictated to the Steno-Typist, typed by him directly into the computer, corrected, printed out and pronounced by me in the Open Court on this the **05th day of November 2024.**

Additional Subordinate Judge,
Tiruppur.

I. Petitioner and Respondent's side Evidences : NIL

II. Petitioner side Documents :

- | | | |
|--------|------------|---|
| Ex.P1 | 07.09.1960 | Sale deed in favour of 4 th defendants father in D.No.2142/1960 registered at Sub-Registrar Office, Tiruppur – Computarized Copy |
| Ex.P2 | 22.05.1995 | Patta allotted by the special Thasildhar in favour of 4 th defendant – Computarized Copy |
| Ex.P3 | - | Patta Pass Book in favour of the 4 th defendant - Computarized Copy |
| Ex.P4 | 21.12.2009 | Computer Patta in No.65 favour of 4 th defendant - Computarized Copy |
| Ex.P5 | 23.04.1986 | Pacili Receipts in favour of 4 th defendant - Computarized Copy |
| Ex.P6 | 02.06.1910 | Partition deed in favour of plaintiffs and 1 st defendants father Subbe Gounder - Computarized Copy |
| Ex.P7 | 19.05.2010 | Alleged settlement deed executed by the 1 st defendant in favour of the 3 rd defendant in D.No. 4311/2010 registered at Joint – I, Sub- Registrar Office, Tirupur - Computarized Copy |
| Ex.P8 | 19.05.2010 | Alleged settlement deed executed by the plaintiff in favour of the 3 rd defendant in D.No. 4314/2010 registered at Joint – I Sub-Registrar Office, Tirupur - Computarized Copy |
| Ex.P9 | - | Plaint filed in O.S.No. 102/2011 (presently O.S.411/2019) on the file of Additional Subordinate Judge of Tirupur- Office Copy. |
| Ex.P10 | 05.10.2011 | FIR lodged in Cr.No. 1887/2011 – Certified Copy |
| Ex.P11 | - | Writ Affidavit filed in No.3257/2011 on the file of Hon'ble High Court of Madras – Xerox Copy |

Ex.P12 17.04.2024 Dismissal order of writ no.3257/2011 on the file
Hon'ble High Court of Madras – Original Online
Copy

III. Respondent's side Documents : Nil

Additional Subordinate Judge,
Tiruppur.

Fair / Draft order in
I.A.No. 7/2024
O.S. No. 305/2011
Date : 05.11.2024
ASJ Court, Tiruppur.
