

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, TIRUPPUR.

**PRESENT: Tmt.A.Vanitha, M.S.W.,L.L.B.,
(J.O.CODE: 01953)**

**Principal District Munsif, Tiruppur,
On Tuesday, the 06th day of January 2026**

I.A.No. 685/2024

in

O.S.No. 49/2024

1. Indirani

2. Vijayanth

3. Dhanalakshmi

4. Eswaran

5. Rani

6. Gomathi

7. Gokila

8. Anand

9. Suseela

10.Nikil

11. Nithin

...Petitioners/1 to 11 Defendants

/vs/

Vengatachalapathy

...Respondent/Plaintiff

**This petition coming on 06.01.2026 this day for final hearing
before me in the presence of Thiru.Vijayanand, Advocate for the
Petitioners/1 to 11 Defendants and Thiru. S.Sabarigeethan, Advocate
for the Respondent/Plaintiff and upon hearing the both side
arguments and upon perusing all the material records and having**

stood over for consideration, till this day, this court delivered the following:-

ORDER

1. This petition has been filed under section Order 7, Rule 11 CPC to reject the plaint, as mentioned in this application.

THE AVERMENTS STATED IN THE AFFIDAVIT ARE AS FOLLOWS:

2. The 2nd Petitioner is the 2nd defendant in the suit. The plaintiff and the alleged purchasers have no manner of right, title or interest in the suit property. The third parties, namely Rokkaraj and the deceased T.R. Raju, who have no connection whatsoever with the suit property, fabricated two false and unregistered Wills dated 10.12.1913 and 12.11.1915, falsely claiming themselves as heirs of Palaniboyan, and obtained fraudulent decrees in O.S.Nos.226/2009 and 167/2012 before the Principal Sub Court, Tiruppur by misleading the Court.

3. The said decrees were obtained by fraud, based on contradictory and impossible recitals in the Wills, including false dates of birth, death and inconsistent property extents, clearly establishing that the Wills are forged and fabricated. By challenging the fraudulent decrees, the defendants have filed O.S.No.538/2022

before the II Additional District Court, Tiruppur, which is pending. Relevant pleadings, judgments and documents have been produced. In fact, Palaniboyan, son of Nayundaboyan, died on 16.06.1916 without leaving any heirs. This is proved by genealogy and revenue records filed before the Court. Hence, the alleged Wills are legally void.

4. The suit property originally belonged to Palaniboyan by virtue of a registered sale deed dated 01.10.1889, and thereafter devolved lawfully upon the defendants through succession. The defendants and their predecessors have been in long, continuous and lawful possession and enjoyment of the suit property. The Revenue records including joint patta No.10701, patta passbooks, town survey extracts and certificates issued by the Tahsildar established the defendants' title and possession over the suit property. The plaintiff and defendants 12 to 14 are total strangers to the suit property. They have repeatedly attempted to interfere with the defendants possession by creating false Wills, sale deeds, settlement deeds and by filing vexatious litigations, all of which have either been dismissed or declared void by competent courts.

5. The criminal complaints have also been registered against the said persons for fabrication of documents and cheating

the Court and revenue authorities. Earlier, in O.S.No.463/2017, the competent court has already declared similar fraudulent decrees and documents as null and void and granted permanent injunction in favour of the defendants, which judgment has also been registered. The present suit has been filed without any legal basis, solely with the intention to harass the defendants and to grab their ancestral property by abusing the process of Court. Therefore, the defendants respectfully pray that this Hon'ble Court may be pleased to reject the plaint as not maintainable in law or on facts and pass such further orders as deemed fit in the interests of justice.

THE CRUX OF THE COUNTER STATEMENT:

6. The Respondent/Plaintiff submits that the petition filed by the petitioners/defendants (1 to 11) is not maintainable either in law or on facts and is liable to be dismissed in limine. It is admitted that the suit property originally belonged to Palaniboyan, son of Nayundaboyan, who executed two Wills dated 10.12.1913 and 02.11.1915. The petitioners have not denied the execution or contents of the Wills.

7. The said Wills were duly examined and accepted by the competent civil courts, and decrees were passed in O.S.Nos.226/2009 and 167/2012 after full trial. The alleged legal heirship certificate

dated 08.03.1998 relied upon by the petitioners is false, unreliable, time-barred and expressly stated to be not valid for court purposes. It was issued 82 years after the death of Palaniboyan without proper enquiry and is liable to be rejected. Earlier decrees, including the final decree dated 14.09.1957 in O.S.No.456/1950, clearly held that the petitioners' alleged ancestor Mayilsamy had no right in the suit property. Hence, the petitioners have no title or locus to claim any right.

8. The Sale deeds executed in 1995 by persons without title were declared invalid by the Revenue Authorities, District Revenue Officer and the Commissioner of Land Administration, and the related pattas were also cancelled. Despite knowing that Rokkaraj and T.R. Raju had title and possession, the petitioners deliberately suppressed material facts and filed O.S.No.463/2017 without impleading the present plaintiff, who is a necessary and proper party, and fraudulently obtained a decree by misleading the Court. The decree in O.S.No.463/2017 was obtained by fraud, suppression of facts and collusion with strangers to the property. Therefore, the Petition is dismissed.

POINTS FOR CONSIDERATION :

9. Admittedly the petitioners had filed the application and put forth a specific plea that without right over the suit schedule property the Plaintiff has filed the suit and the Plaintiff do not have right over the property and constrained to file the application for rejection of Plaint. On the other hand the respondent comes with a counter statement that the Respondent has right over the property and sought for dismissal of the application.

10. It is pointed out that on considering the pleadings of the respondent in the plaint the issues are triable issues, and mixed question of law and facts involved which would decided only after full fledged adjudication and cannot dismissed instantly at this stage. The Petitioner has liberty to adduce evidence in support of his plea at the time of trial.

11. It is settled law for adjudication in respect of possession of the property involves appreciation of appropriate pleadings and evidence and the plaint cannot rejected in case of mixed question of law and facts. Therefore the application to reject the plaint on the ground is out of scope and complicated issues cannot be decided in a narrow scope under Order VII Rule 11 of CPC.

12. Hence, as per the discussions made above this court hereby comes to a conclusion, that there is no merits in the application and this court is not inclined to allow the application and this point decided accordingly.

ORDER

1.	As a result, this petition is dismissed.
2.	There is no order for costs.

Having dictated by me directly and computerized by typist directly and having corrected the Judgment is pronounced by me in the open court, of this the 06 day of January 2026.

**Principal District Munsif,
Tiruppur.**

Petitioners Witnesses : Nil

Petitioners side Exhibits : Nil

Respondent Witnesses : Nil

Respondent side Exhibits : Nil

**Principal District Munsif,
Tiruppur.**