

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 Monday, the 19th day of January 2026

I.A.No. 231/2025

in

O.S.No. 137/2023

Muthusamy

...Petitioner/2nd Defendant

/vs/

Raju

...Respondent/Plaintiff

This petition coming on 19.01.2026 this day for final hearing before me in the presence of Thiru.B.Karunaneethi,B.A.,B.L., Advocate for the Petitioner/2nd Defendant and Thiru. S.P.Gopinath,B.Com.,B.L., 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 BRIEF AVERMENTS STATED IN THE AFFIDAVIT ARE AS FOLLOWS:

2. The petitioner, is the 2nd defendant in the original suit. The respondent/plaintiff has filed the suit falsely claiming himself as the absolute owner of the suit property and seeking permanent injunction. The Petitioner is the absolute owner of the suit property by virtue of registered sale deed dated 15.05.1993, and is in absolute possession and enjoyment of the suit property.

3. More than 100 person were claimed property in Survey No.749 and preferred a Writ before Hon'ble High Court in W.P. No.34490/2014 and the Hon'ble High Court has dismissed the writ application. Again the Respondent and others have filed a writ before Hon'ble High Court in W.P. No.18516/2016 and on hearing the same the Petitioner have also filed the Writ application in 06.09.2017. The Hon'ble High Court has allowed the Writ application filed by the Petitioner and dismissed the Respondent Writ application. Even after the order of the Hon'ble High Court the Respondent has failed to vacant the suit property and the Petitioner again preferred a Writ before the Hon'ble High Court in W.P No.1179/2020. In the said application the Hon'ble High Court has passed an order to fence the property. The Hon'ble High Court held

that the suit property is a private property and no patta can be granted to them. The plaintiff has suppressed the fact and filed the application.

4. Hence, the suit is liable to be dismissed as there is no cause of action, improper valuation, incorrect court fee, and no supporting documents. Hence the petition for rejection of Plaint.

THE BRIEF CRUX OF THE COUNTER STATEMENT :

5. The petitioner's application is not maintainable either in law or on facts. The petitioner has failed to implead necessary parties (Defendants 2 to 10) in the present petition without assigning any reason. Hence, the petition is liable to be dismissed at the threshold for non-joinder of necessary parties.

6. The respondent denies the petitioner's claim of ownership based on the alleged sale deed dated 15.05.1993 and the allegation of trespass. All such averments are false and must be strictly proved by the petitioner with documentary evidence. The respondent denies the petitioner's statements regarding earlier writ petitions, patta proceedings, and alleged encroachments. On the contrary, the respondent and his family are residing in the suit property and have filed 32 government-issued documents supporting their possession.

7. The respondent was not made a party in writ proceedings pleaded by the Petitioner. Hence the present petition has been filed with vague and baseless allegations and the petition is liable to be dismissed.

POINT FOR CONSIDERATION:

8. 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. Further plea of the Petitioner is that the Hon'ble High Court has passed an order in favour of the Petitioner. 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.

9. It is pointed out that on looking into the available material records the Residents in Survey No.749 preferred a appeal before Hon'ble High Court in CRP. No.3633, 3635, 3636, 3637 and 3642 of 2022 to set aside the fair and decreetal order passed in unnumbered O.S. CFR No.2106 of 2022. The Hon'ble High Court has passed an order dated 07.07.2022 to number the suit. The Hon'ble High Court in the said order held that

“On perusal of relief claimed by the Plaintiffs, the documents scheduled nearly about 10 documents showing that they are residing in the property and also produced Family care aadhar card, gas connection book voter ID, Pan card and birth Certificates etc. All the documents prima facie shows that they are residing in the property and whether they are lawful owner of the property, it can be proved only at the time of trial. However, the claim of Revision Petitioners is that the property a natham property. Though the Government has no right, the revenue officials are necessary parties to identify the natham property, since the plaintiffs themselves claims that it is natham property. But, without giving opportunity to the Plaintiffs to prove their case, at the time of numbering itself, the complaints were rejected by the trial court, as such is not acceptable one, because they are having valid right over the property subject to proof. If they are not allowed to prove their claim, their right to defend the case would be defeated. Hence, the order passed by the trial judge is set aside and the trial judge is directed to take the complaints on file and proceed with the case. The plaintiffs are also advised to implead the revenue officials as necessary party to the proceedings. Accordingly, these Civil Revision Petitions are allowed. No costs.”

10. The Hon'ble High Court held that there is a triable issue on considering the pleadings of both the parties in the said order. The schedule of property in S.No 749 related to the said Writ application is connected to instance the suit property.

11. Therefore 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 Respondent has liberty to adduce evidence in support of his plea at the time of trial.

12. 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.

13. 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 Order is pronounced by me in the open court, of this the 19th day of January 2026.

**Principal District Munsif,
Tiruppur.**

Petitioner Witnesses : Nil

Petitioner side Exhibits : Nil

Respondent Witnesses : Nil

Respondent side Exhibits : Nil

**Principal District Munsif,
Tiruppur.**