

**In the Court of the Principal District Judge, Tiruvannamalai**

Present: **Mr. P.Mathusuthanan**, B.A., B.L.,  
Principal District Judge,  
Tiruvannamalai.

Thursday, the 18th day of September - 2025

**I.A.No.08/2025 in O.S.No.213/2023**

R.Abishek		... Petitioner/ 1st defendant
	Vs	
1. VT Raman, 2. The Joint II Sub-Registrar, Tiruvannamalai 3. The District Registrar, Tiruvannamalai 4. The District Collector, Tiruvannamalai		...Respondent/plaintiff    ...Respondents/2 to 4th Defendants

This Interlocutory Application has come up before me for final hearing on 10.09.2025 in the presence of **Tr.A.Kaliangan** Learned Advocate appearing for the Petitioners and of **Tr. M.Madhu Prakash**, Learned Advocate appearing for the 1st Respondent and **Tr.G.Pughazhenth**, learned Government Pleader appearing for the 2 to 4th respondents and upon hearing the argument on the both sides and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

**ORDER**

The petitioner filed this petition under Order 7 Rule 11 of CPC to reject the plaint.

**2) Brief facts of the petition :-**

Mr.Arun(Son of Plaintiff) and Mr.Roshan Anand have been actively involved in large-scale financial seams, deceiving Indian citizens residing in foreign countries such as Dubai, Singapore, and Australia. They operate fraudulent investment schemes through companies such as Gopalakrishna Cold Storage and Shubham Enterprises etc., falsely promising investors that their money will be doubled or tripled in a short period. While Arun operates from India, managing funds and local operations, Roshan Anand oversees the scam from abroad, facilitating illegal transactions and fund diversions.

The Petitioner, being one of the victims of this fraudulent scheme, had persistently demanded the return of his investment. In response, Arun and Roshan Anand falsely claimed that they had utilized the Petitioner funds for large-scale investments and pressured him to provide his property worth Rs.70 Crores as collateral and Mr.Roshan Anand and Mr.Arun asked further Rs.30 lakhs, Trusting their representations, the Petitioner agreed then they shared V.T.Raman's bank account details then the Petitioner has shared Rs.30 lakhs to Mr.VT.Raman, RoshanAnand would periodically asked the Petitioner to transfer funds to different accounts, providing a new account each time for the

transaction. Following his instructions, the Petitioner made the transfers accordingly. Similarly, the Petitioner transferred funds to Raman's account in the same manner. and he further stated that the V.T. Raman (Arun's father and Partner of his business) provided with an unregistered bond along with the original property documents, assuring him that the property was worth Rs.40 Crores. The Plaintiff/ Respondent 1 stated that property would serve as collateral for an amount up to Rs.40 Crores.

However, the Petitioner later discovered that, before handing over the documents, V.T. Raman had fraudulently registered a mortgage deed in his own, without the Petitioner's knowledge or consent, at a significantly lower value. This act was done with the clear intention of suppressing the actual value of the property and escaping his obligation to refund the Petitioner's money. Upon further inquiry, the Petitioner found that the property, which was claimed to be worth Rs.40 Crores, was not even worth Rs.15 Crores. This fraudulent act was a calculated move to mislead the Petitioner by inflating the value of the property at the time of handing over the documents while simultaneously undervaluing it in the registered mortgage deed to evade legal accountability.

Furthermore, the suspicious nature of the transaction becomes evident when analyzing the mortgage itself. For a mere Rs.30 Lakh mortgage, V.T. Raman pledged property allegedly worth Rs.15 Crores, which clearly exposes his malafide intent and fraudulent conduct. The fact that such a high-value

property was used to secure a relatively small mortgage raises serious doubts about the real intention behind the transaction and proves that the entire deal was structured to deceive and defraud the Petitioner.

In light of the fraudulent acts committed by the Plaintiff and his associates, the Petitioner prays that this Hon'ble Court reject the plaint in its entirety and prevent further abuse of the judicial process. Further, if this Hon'ble Court deems it necessary, the Petitioner is prepared to submit the original unregistered documents for forensic examination before the appropriate authority to facilitate a detailed investigation and verify their authenticity through scientific analysis.

The Plaintiff Has Suppressed Material Facts and Approached This Hon'ble Court With Unclean Hands. The Plaintiff, VT Raman, has filed this suit with fraudulent intent, seeking cancellation of a mortgage deed dated 21.10.2021 (Doc. No 11572/21) while deliberately suppressing the existence of an unregistered loan agreement of Rs. 40 Crores given to the Defendant 1 Abishek. The Plaintiff executed this agreement and handed over the original property documents as security for the said transaction. However, instead of honouring his financial obligations, the Plaintiff wrongly claims to have no such liability and has misled this Hon'ble Court by filing a deceptive suit. The Hon'ble Supreme Court, in SP Chengalvaraya Naidu v. Jagannath & Ors. (1994) 1 SCC 1, categorically held that A person whose case is based on falsehood has

no right to approach the court. He can be summarily thrown out at any stage of the litigation. Since the mortgage deed was fraudulently created without the Defendants knowledge, this suit is liable to be rejected outright. This Hon'ble Court must not entertain litigants who suppress material facts and misuse judicial proceedings to escape their liabilities. The Mortgage Deed Was Executed Without the Petitioner's Knowledge and Through Fraud.

The Plaintiff has fraudulently executed the mortgage deed without the knowledge or consent of the Defendant. The Plaintiff misused the Defendants Aadhaar card, which was deceptively obtained through his son. Arun Kumar (S/o. VT Raman), under false pretense. This Aadhaar was later fraudulently used to register the mortgage deed at the Sub-Registrar Office, Tiruvannamalai, without the Defendants authorization. Such an act constitutes identity fraud and amounts to forgery under the Indian Penal Code, making the Plaintiffs suit legally unsustainable. The Hon'ble Supreme Court, in T. Arivandandam v. TV Satyapal & Anr. (1977) 4 SCC 467, has ruled that If on a meaningful reading of the plaint, it is manifestly vexatious and meritless, it should be rejected at the threshold. Fraud vitiates all judicial proceedings, and no relief can be granted based on fraudulent transactions. Since the entire claim arises from an illegally obtained document, the Plaintiffs plea must be dismissed immediately.

The Plaintiff is a Key Accused in the above Rs.100 Crore Shubam Groups Scam, which is currently under investigation by CCB Chennai (Crime

No. 225/2024) and others. This scam involves large-scale financial fraud, fund diversion, and money laundering through multiple shell companies. The Plaintiff has actively participated in illegal hawala transactions, using business entities such as Gopalakrishna Cold Storage, Shubam Enterprises, and 3RLUP Pvt. Ltd. The fraudulent financial dealings of the Plaintiff have already resulted in the freezing of his bank accounts by law enforcement authorities, The Hon'ble Supreme Court, in *KK Modi v. KN Modi & Ors.* (1998) 3 SCC 573, has held that A frivolous or vexatious suit is an abuse of process of law, and courts must exercise their inherent power to prevent misuse of judicial machinery. If this suit is permitted to continue, it will serve as a shield for the Plaintiffs fraudulent activities, enabling him to misuse the judicial process for personal gain.

The Suit is Not Maintainable as This Hon'ble Court Lacks Pecuniary Jurisdiction: The financial transactions at the center of this dispute involve Rs. 40 Crores, which is beyond the pecuniary jurisdiction of this Hon'ble Court. Under CPC provisions, disputes involving high-value financial matters must be adjudicated by the Hon'ble Madras High Court. The Hon'ble Supreme Court, in *Harshad Chiman Lal Modi v. DLF Universal Ltd. & Anr.* (2005) 7 SCC 791, has held that If jurisdiction is lacking in a court, it cannot be conferred by consent or waiver of parties. Jurisdiction is a fundamental requirement for legal proceedings, and the Plaintiff cannot manipulate court procedures to file suits in

an inappropriate forum. Allowing this suit to proceed in an incorrect jurisdiction will only encourage forum shopping and the misuse of court processes.

The Plaintiffs Intent is to Delay Criminal Proceedings and Avoid Prosecution. The Plaintiffs bank accounts have already been frozen due to fraudulent financial activities, and multiple complaints have been registered against him regarding investor fraud. This suit is nothing more than a deceptive tactic aimed at obstructing ongoing criminal investigations and evading liability. The Hon'ble Supreme Court, in *D. Velusamy v. D. Patchaiammal* (2010) 10 SCC 469, has ruled that Litigants must approach courts with clean hands and bona fide intentions, suppression of facts amounts to fraud upon the court. Since the Plaintiff has deliberately misrepresented financial records and concealed crucial transactions, the present suit is not maintainable. The Plaintiff is seeking to use this Hon'ble Court as a tool to protect himself from criminal liability, and such attempts must be thwarted.

The High Risk of the Plaintiff and His Associates Absconding. The Petitioner submits that the Plaintiff and his co-conspirators, including Roshan Anand, have been making arrangements to abscond to Dubai to evade prosecution. This fraudulent suit has been filed with the malicious intent of delaying legal proceedings and creating legal obstacles to escape liability. The Plaintiff's actions indicate a deliberate attempt to obstruct the ongoing criminal investigations by CCB Chennai. If this suit is entertained, it will enable

the Plaintiff to misuse the judicial process to evade accountability and escape ongoing criminal proceedings. *Actori incumbit onus probandi* (The burden of proof lies on the plaintiff) "The Plaintiff has failed to disclose material facts regarding the fraudulent financial transactions he orchestrated under the pretext of a mortgage deed. Given the seriousness of the allegations, the ongoing criminal investigations, pending investor complaints, and overwhelming evidence of fraudulent fund transfers, the present suit is wholly untenable and must be dismissed outright to prevent further misuse of the judicial system.

The Petitioner further stated that the Plaintiff, V.T. Raman, along with his son Arun, operates Gopalakrishna Cold Storage as a partnership firm, generating significant profits. Given their financial standing, banks and financial institutions would have been readily available to provide business loans, personal loans, or mortgage loans at favorable interest rates. In such a scenario, it is highly questionable why the Plaintiff opted for a mortgage transaction involving only Rs.30 Lakhs, despite having access to conventional banking channels that could have offered the same amount at a much lower interest rate. It should raises serious doubts about the genuineness of the transaction and suggests that the mortgage deed was merely a tool to mislead and defraud the Petitioner.

If this Hon'ble Court were to consider the Plaintiff's claims as per the mortgage deed, it is essential to scrutinize his commitment to pay a monthly

interest of 2%. The critical question arises: how many installments has the Plaintiff actually paid to the Petitioner? The answer is none. The Plaintiff has failed to make a single interest payment, nor has he provided any proof of such payments. The reality is that the Petitioner was never even informed of the existence of this mortgage deed, as it was fraudulently registered without his consent. The Plaintiff deliberately suppressed material facts and never disclosed the execution of the mortgage deed until the Petitioner started demanding repayment of his investment. This further proves that the Plaintiff never intended to honor his commitments and has approached this Hon'ble Court with unclean hands. After receiving this Rs.30Lakhs from the Petitioner where the fund was utilised that hasn't shown by the Plaintiff till date.

Landmark Judgments establishing that a suit. Lacking a valid cause of action or jurisdiction. Must be rejected at the initial stage to avoid unnecessary litigation and abuse of court's time and to prevent delay in criminal investigations.

**1. S.P.Chengalvaraya Naidu Vs. Jagannath & Ors.(1994) 1 SCC 1**

Key Principle: A suit must be rejected if it is based on fraud, suppression of material facts, or misrepresentation.

Quote: A person whose case is based on falsehood has no right to approach the court. He can be summarily thrown out at any stage of the litigation.

The facts of the present case are directly aligned with the principles established in this judgment. The Plaintiff has suppressed the unregistered loan agreement of a 40 Crores and misrepresented material facts before the Hon'ble Court. The mortgage deed was fraudulently executed without the Defendant's knowledge, and the Plaintiff is now wrongly claiming ownership rights to evade financial liabilities. Since the entire foundation of the suit is fraudulent, this Hon'ble court must reject the plaint outright as per the precedent set by the Supreme Court.

**2. T.Arivandandam Vs.T.V.Satyapal & Anr.(1977)4 SCC 467**

Key Principle: A plaint must be rejected if it is vexatious, meritless, or fails to disclose a valid cause of action.

Quote: If on a meaningful reading of the plaint, it is manifestly vexatious and meritless, it should be rejected at the threshold.

Applying the ratio of this judgment, it is evident that the Plaintiff's suit is liable to be rejected. The plaint does not disclose a valid cause of action since the Plaintiff has failed to establish his legitimate claim over the mortgage deed. The suit is only intended to create legal hurdles for the Defendant and delay the ongoing CCB investigation into the Shubam Scam. As the suit is frivolous, vexatious, and meant to mislead the court, it must be rejected at the threshold as per this judgment.

**3. K.K. Modi vS. K.N. Modi & Ors. (1998) 3 SCC 573**

Key Principle: A suit that is frivolous, vexatious, or an abuse of process of law must be rejected under Order VII Rule 11 CPC.

Quote: A frivolous or vexatious suit is an abuse of process of law, and courts must exercise their inherent power to prevent misuse of judicial machinery.

The Hon'ble Supreme Court findings in this case strongly support the rejection of the present plaint on similar grounds. The Plaintiff has filed this fraudulent suit as a defensive strategy to protect himself from criminal prosecution in the 40 and above Crore Shubam Scam. The Plaintiff is already under investigation by CCB Chennai (Crime No. 225/2024) and other investors complaint, and this suit is merely an attempt to stall proceedings and divert attention from his fraudulent activities. Allowing this suit to proceed will encourage misuse of the judicial system, and therefore, the plaint must be summarily rejected.

**4. I.T.C. Ltd. V.Debts Recovery Appellate Tribunal & Ors.(1998) 2 SCC 70**

Key Principle: A suit must be rejected if it is barred by law or filed before a court lacking jurisdiction.

Quote: When the suit is manifestly barred by law, allowing it to continue would be an abuse of process of law.

In the present case, the same legal defects exist, warranting rejection under Order VII Rule 11 CPC. The financial transaction at the center of this dispute is Rs.40 and above Crores, which is beyond the pecuniary jurisdiction of this Hon'ble court. As per CPC provisions, such high-value financial matters must be adjudicated by the Hon'ble Madras High Court, not this Court. Since this suit is filed in an incorrect jurisdiction, it must be rejected outright under Order VII Rule 11 CPC.

#### **5. Hari Shankar Jain Vs.Sonia Gandhi (2001) 8 SCC 233**

Kee Principle: A plaint must disclose a clear and genuine cause of action; otherwise, it must be rejected.

Quote: A suit that fails to disclose a cause of action cannot proceed and must be rejected at the outset.

This judgment lays down a precedent that is directly relevant to the present matter. the Plaintiff has failed to establish any valid legal claim over the mortgage deed. The suit is only meant to create unnecessary litigation and delay criminal investigations into his financial fraud. As no genuine cause of action is disclosed in the plaint, it must be rejected outright under Order VII Rule 11 CPC.

All the above landmark judgments of the Hon'ble Supreme Court strongly support the rejection of the present plaint due to fraud, suppression of facts, lack of jurisdiction, and abuse of judicial process.

In light of the above facts and legal precedents, the Petitioner/1st defendant most respectfully prays before this Hon'ble Court to Reject the Plaint (OS No. 213 of 2023) under Order VII Rule 11 CPC read with section 151 of CPC due to lack of jurisdiction, fraud, suppression of material facts, and abuse of judicial process. Hence the petition.

**3) Brief averments of the counter filed 1st respondent are as follows:**

The 1st Respondent / Plaintiff denies the allegations and averments stated in the petition except those that are specifically admitted hereunder. At the outset, the petition filed by the petitioner to reject the plaint is not at all maintainable either in law or on facts and the same is liable to be dismissed in limine.

The 1st Respondent / Plaintiff submit that the Petitioner had prayed as follows:

"a. Reject the Plaint (OS No. 213 of 2023) under Oder VII Rule 11 CPC read with section 151 of CPC due to lack of Jurisdiction, fraud, suppression of material facts and abuse judicial process.

b. Declare that this Hon'ble Court lack of pecuniary jurisdiction and direct the case to the Hon'ble Madras High Court.

The 1st Respondent / Plaintiff filed the suit for redemption seeking for cancellation of the mortgage deed dated 21/10/2021 bearing document no 11572 of 2021. The 1st Respondent/Plaintiff had mortgaged his property to the

Petitioner for loan value of Rs. 30,00,000/- (Rupees thirty lakhs only), and 18% interest per annum and the termination period due on 30/03/2023, and when the 1<sup>a</sup> Respondent/Plaintiff approached the Petitioner to cancel the mortgage deed by receiving the loan amount along with interest, but the Petitioner failed to properly reply to the 1st respondent/ Plaintiff, and with no option the 1st respondent / Plaintiff caused a legal notice to the Petitioner on 12/09/2023, the Petitioner received the notice but failed to reply for the said notice, and with no option the 1st respondent/plaintiff approached the Hon'ble Court for his remedy.

The Petitioner had filed this petition stating that this Hon'ble Court didn't have jurisdiction, and further stated that there is misrepresentation and misleading of fact, and in the petition that there was transaction between him and one M/s. Subham Enterprises and those transaction is no way connected to this transaction. This issue is related to mortgage between the 1st Respondent / Plaintiff and the Petitioner, and moreover the mortgage speaks about it alone, and further the value of the mortgage is for Rs. 30,00,000 /-(Rupees thirty lakhs only) and this Hon'ble Court have clear jurisdiction.

The Petitioner had created new story, the Petitioner haven't mentioned anything about the jurisdiction or the dispute which he had stated in the Petition in the written statement, and he didn't reply to the notice caused to the Petitioner, this clearly shows that the Petitioner is creating a story for the sake prolonging the issue, if the Petitioner claim is true he would have chosen the recovery

suit for his recovery against the 1st respondent / Plaintiff, this very clearly shows that the Petitioner had filed this petition only to divert this Hon'ble Court and drag time.

He had chosen his legal remedy to retrieve his property, but the Petitioner is choosing crooked methods to drag the procedure, if the 1st respondent / Plaintiff had misled the court the conclusion of the trial will establish the true story. It is the stage of evidence, the Petitioner was dragging the 1st respondent / Plaintiff in the evidence for a long period, and further he started examining the PW1 and further during the pendency of it, he had filed this petition, this very clearly shows the intention of the Petitioner is not to prove the case only to drag the issue by filing the petition which are not maintainable in the eyes of law.

If the story stated by the Petitioner was true he would have mentioned in the Written statement, and further he would have filed this petition much earlier, he need not wait till this stage and file this petition, this very clearly shows that intention of the Petitioner is not proceed with the case instead only to drag the issue, and harass the 1st respondent/plaintiff.

The Supreme Court in Popat and Kotecha Property v. State Bank of India Staff Assn., 2005 (4) CTC 489 (SC): 2005 (7) SCC 510, and in Paragraphs 19 & 25 it was observed as follows:-

"19. There cannot be any compartmentalization, dissection, segregation and inversions of the language of various paragraphs in the Pleat. If such a course is adopted it would run counter to the cardinal canon of interpretation according to which a pleading has to be read as a whole to ascertain its true import. It is not permissible to cull out a sentence or a passage and to read it out of the context in isolation. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense. The intention of the party concerned is to be gathered primarily from the tenor and terms of his pleadings taken as a whole. At the same time it should be borne in mind that no pedantic approach should be adopted to defeat justice on hair splitting technicalities."

**Popat and Kotecha Property v. State Bank of India Staff Assn., 2005**

**(7) SCC 510**, where it was held as under in para 10 of the report: (SCC p. 515)

"10. Clause (d) of Order 7, Rule 7 speaks of Suit, as appears from the statement in the Pleat to be barred by any law. Disputed questions cannot be decided at the time of considering an application filed under Order 7, Rule 11, C.P.C. Clause (d) of Rule 11 of Order 7 applies in those cases only where the statement made by the Plaintiff in the Pleat, without any doubt or dispute shows that the Suit is barred by any law in force."

The Pleat without addition or subtraction must show that it is barred by any law to attract application of Order 7. Rule 11, C.P.C. the principle is, therefore, well settled that in order to examine whether the Pleat is barred by any law, as contemplated by clause (d) of Order 7. Rule 11. C.P.C. the averments made in the Pleat alone have to be seen and they have to be assumed to be correct. It is not permissible to look into the pleas raised in the Written Statement or to any piece of evidence.

It is a fit case for trail, and further submits that the ground taken by the Petitioner / Defendant for reject the Pleat is baseless. The Petitioner have filed this Petition by suppressing the entire fact, the Petitioner have approached the court without clean hands. The Petition filed by the Petitioner is not maintainable, and it is liable to be dismissed.

4) **The 2 to 4 respondent has no counter.**

5) **Point that arises for consideration in this Petition is that**

Whether this petition is to be allowed as sought for?

6) **Point :-** The learned counsel appearing for the respondent at the out set would contend that the petitioner has come forward with this application at the stage of after partly cross-examination of PW.1. And he would further contend that none of the grounds found mentioned in the pleat seeking the relief of rejection of pleat does not reflect the grounds contemplated under

Order 7 Rule 11 of CPC. And he would further submit that the question of cause of action and lack of jurisdiction does not arise as the case has been filed in a court where the property in question is situated and cause of action has been arisen and it is not the case of the petitioner that the plaint has been deviated from the scope governing under Order 7 Rule 11 of CPC and in support of his submission he relied upon the Judgment reported in **2005 -7 SCC 510** and would contend that disputed question cannot be decided at the time of considering the application under Order 7 Rule 11 of CPC and if at all any such disputed question the same can be decided at the time of trial, not on the application filed by the petitioner herein and also by referring to the Judgment reported in 2019-5 LW.172 would contend that by way of filing petition under Order 7 Rule 11 of CPC, the contention of the plaint alone can be assailed not any other extraneous fact of the averments found mentioned in the plaint. And he would further contend that if at all the petitioner is any genuine grievance that too subject to the grounds contemplated under Order 7 Rule 11 CPC can be raised at the inception stage of the case not after partly cross-examination of the plaintiff side witness. And he would further contend that the contention of the petitioner assailing the case of the plaintiff on the ground of suppression of material and abuse of process of law which is not governed under Order 7 Rule 11 of CPC. It is not concerning with the grounds contemplated under Order 7 Rule 11 of CPC and if at all any such

defence they have, it can be decided only during trial by testing the veracity of document and finally would contend that the main plaint itself redemption of mortgage. The plaintiff herein from the day one of the suit filed by him is ready to deposit the entire amount to discharge the mortgage loan. In such a circumstance, the present petition on the ground of baseless points cannot be looked into, hence he argued for dismissal of the petition for devoid of any merit.

7) The learned counsel appearing for the petitioner at the out set would contend that as a matter of fact the son of the respondent/plaintiff one Arul, Rosan Anand entered into an joint venture in the name of Gopalakrishna Cold storage and only through the said Arul who is son of respondent/plaintiff herein the later was introduced to the petitioner/defendant and the petitioner herein has invested money in the said business running by respondent/plaintiff and one Rosan . He would further submit that the petitioner is not a money lender or financier as stated by the respondent/ plaintiff herein in the plaint. Infact the petitioner herein has filed a complaint as against the son of the respondent/plaintiff and one Rosan for having cheated him in the business which is now being investigated by CCB, Chennai. He would further submit that so far as this case is concerned, the main suit is bad for non joinder of necessary party and the mode of alleged payment made by the respondent/plaintiff has not been mentioned in the plaint. He would further submit that since the

respondent/plaintiff has not mentioned in the plaint about the place from where the defendant received the amount involved in this case, the main suit itself bad for lack of jurisdiction. And he would further submit that when the original transaction was held in Chennai, the place of suing also would be in Chennai not in Tiruvannamalai where none of the transaction had been held between the plaintiff as well as defendant herein. And he would further submit none the cause of action alleged in the plaint has arisen in Tiruvannamalai where the present suit has been filed by the respondent/plaintiff herein. Hence, the learned counsel appearing for the petitioner would contend that the suit is bad for lack of jurisdiction and cause of action, hence on that score only the suit should be rejected.

8) **Per contra**, the learned counsel appearing for the respondent would contend that since the mortgage deed involved in this case was registered in the Sub-Registrar Office, Tiruvannamalai, the court has jurisdiction to entertain the suit and try the same. And it is further submit that though the petitioner herein raised objection to entertain the suit on the ground of lack of cause of action, the petitioner herein has not raised any such defence either in the written statement or in the present petition, hence without pleading the question of challenge the suit on such a ground does not arise.

9) **In a way of reply**, the learned counsel appearing for the petitioner would contend that in the written statement para 18 itself, he has mentioned the

fact that the defence being taken by him with regard to lack of jurisdiction as well as cause of action in the said suit, so it cannot be said that the petitioner has not raised any such plea in his main pleadings, hence he contend that the suit may be rejected on the ground of lack of jurisdiction as well as lack of cause of action in Tiruvannamalai by allowing this petition.

**10) Heard. Perused the records.**

11) It is the specific case of the respondent/plaintiff that the petitioner/1st defendant is a money lender. He borrowed a sum of Rs.30,00,000/- from the 1st defendant to meet out his personal expenses through bank transaction for contingent contract indemnity of residential vacant commercial plot property was mortgaged by the plaintiff through registered mortgage deed dated 21.10.2021, agreeing to repay the said loan with interest at the rate of 18% p.a. despite the respondent/plaintiff was ready to pay the principal and interest to the above said mortgage deed as agreed by him, it was the 1st defendant who failed and neglected to receive the principal amount and interest thereof, despite the plaintiff made repeated demands and requests to discharge the said mortgage deed by receiving principal alongwith contractual rate of interest.

12) It is further case of the plaintiff that he issued a notice through his advocate on 12.09.2023 to the 1st defendant expressing his intention to discharge the mortgage loan and cancel the same. It was the 1st defendant who though received the said legal notice neither reply nor come forward to cancel

the mortgage deed after receiving the amount from the plaintiff. Hence, with no other option, the respondent/plaintiff has filed the main suit seeking the relief of cancel the mortgage deed dated 21.10.2021 by directing the defendant to receive the mortgage loan amount alongwith contractual rate of interest. Thereafter, when the petitioner/defendant after filing his written statement conducted the case by cross-examination respondent/plaintiff on 24.06.2025. Subsequently, the case was posted for further cross-examination of PW.1 to the following days i.e. 22.07.2025, 30.07.2025, 31.07.2025 and 29.08.2025 respectively. However, the petitioner/ 1st defendant did not come forward to cross-examination of PW1. In such a circumstance the cross-examination of PW.1 was finally adjourned on 28.09.2025 by issuing ultimatum to the petitioner/defendant, but instead of cross-examining the PW.1/respondent the petitioner herein has filed the present petition under Order 7 Rule 11 of CPC to reject the plaint on the ground that the main suit was lack of jurisdiction and cause of action.

13) It is an admitted fact that the mortgage deed involved in this case was duly registered one and the signature found in the mortgage deed is not disputed on the side of the petitioner herein.

14) Now the question to be answered here is that whether the main suit was filed by the respondent/plaintiff is barred by lack of jurisdiction and cause of action or not?

15) Before going to answer the above question framed for deciding the issue under challenge, it may be pertinent to refer to the provision of Order 7 Rule 11 of CPC, which is extracted hereunder:-

**Order 7 Rule 11 of CPC:-** The plaint shall be rejected in the following cases:-

(a)	<i>where it does not disclose a cause of action;</i>
(b)	<i>where the relief claimed is undervalued, and the plaintiff, on being required by the court to correct the valuation within a time to be fixed by the court, fails to do so;</i>
(c)	<i>where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the court to supply the requisite stamp paper within a time to be fixed by the court, fails to do so;</i>
(d)	<i>where the suit appears from the statement in the plaint to be barred by any law.</i>
(e)	<i>where it is not filed in duplicate</i>
(f)	<i>where the plaintiff fails to comply with the provisions of rule 9.</i>

16) As per the above provision of law, the plaint filed by the plaintiff can be sought for rejection, under the ground contemplated under Order 7 Rule 11 of CPC only. It is well settled proposition of law that in the event of seeking the relief of rejection of plaint, the averment in the plaint alone ought to be examined and no other extraneous factors can be taken into account. With the above said settled proposition of law being kept in mind, let me go into the merit of the above said petition.

17) The specific contention of the petitioner herein is that the son of the respondent/plaintiff one Arun and one Roshan Anand had been running 2 financial Companies such as Gopalakrishna Cold storage, Shumam Enterprise, by making false promising to investors that their money will be doubled or tripled in a short period. It is further case of the petitioner that, he being one of the victims of this fraudulent scheme, had persistently demanded the return of his investment. For which, the said Arun and Roshan Anand had falsely claimed that they had utilized the petitioner's fund for large scale investments and pressured him to provide his property worth Rs.70 Crores as collateral and trusting their sweet coating words, the petitioner deposited Rs.30,00,000/- to the bank account of the respondent herein as shared by the above Arun and Roshan Anand. Since they said the petitioner herein would periodically transfer the funds to different accounts, providing a new account each time for the transaction. Following their instructions, the petitioner made the transfers accordingly. Similarly, the petitioner transferred funds to 1st respondent's account in the same manner.

18) It is further case of the petitioner that he as per their instruction provided with an unregistered promissory note alongwith original document to the 1st respondent/plaintiff herein and thereafter, the said 1st respondent fraudulently registered a mortgage deed in his own without the petitioner's knowledge or consent. And it is further case of the petitioner that the mortgage

deed involved in this case was executed without the petitioner's knowledge and through fraud. It is further case of the petitioner that when the petitioner herein lodged a complaint as against the said Arun and Roshan Anand before CCB Police, Chennai, (Crime No.225/2024) wherein, the 1st respondent also one of the accused in the Rs.100 Crore Scam, committed by them in Shubam Groups Scam, the 1st respondent has come forward with this suit by suppressing all the above material facts with intent to cheat the petitioner herein. And it is further case of the petitioner that the 1st respondent /plaintiff only with intent to create legal hurdles for the petitioner and delay the ongoing CCB investigation into the Shubam Scam has come forward with the suit as no cause of action, that too before this court which lacks of jurisdiction to entertain the suit.

19) **Per contra**, the learned counsel appearing for the respondent would contend that none of the contention made by the petitioner either oral or any petition are quite extraneous to the scope which governs by Order 7 Rule 11 of CPC. Though the petitioner herein challenged the suit by way of this petition on the ground of non- joinder of necessary part and lack of details regarding place where the amount of alleged mortgage loan was received by the petitioner from the 1st respondent herein, the same has not been reflected in the pleadings of the petition.

20) As I already said at the inception para, in the event of deciding any issue contemplated under Order 7 Rule 11 of PC the averments found in the

plaint to be examined and no other extraneous fact can be taken into account. Thus, in the case in hand, the above grounds which is not governed by Order 7 Rule 11 of CPC that too without pleading cannot be taken into account to decide the sustainability of the case of the plaintiff. The learned counsel appearing for the petitioner would contend that this court is not competent to entertain the suit for lack of jurisdiction. Admittedly, the suit property in question is situated in Tiruvannamalai District and the mortgage deed has also been registered at the Sub-Registrar office, Tiruvannamalai. That being so, the contention of the counsel appearing for the petitioner that this court is not competent to entertain the suit for lack of jurisdiction cannot be countenanced. Similarly, the alleged contention of the lack of cause of action is concerned, this court does not find any merit over his argument for the simple reason that in para No.10 of the plaint has specifically mentioned the cause of action of the suit arising in Tiruvannamalai within the jurisdiction of this court.

21) On perusal of the mortgage deed dated 14.06.2010 would clearly reveal that the property is located in Tiruvannamalai District and further reveal that the said mortgage deed registered at Joint-II Sub Registrar Office, Tiruvannamalai. Hence, the question of lack of jurisdiction as well as cause of action to file this suit before this court does not arise.

22) Nevertheless, it is open to the petitioner to raise all his contentions found mentioned in his petition challenging the genuineness and bonafidness of the

respondent's case in the main suit by put-forwarding his specific defence. It is therefore, this court does not find any force over the contention of the petitioner in the above petition for want of any merit over his claim. Hence, this court is not inclined to allow this application and thus the point is answered accordingly.

**In fine, the petition is stand dismissed. No cost.**

This Order is dictated by me to the Steno-Typist Grade-I of this Court, transcribed by her in Computer, corrected and pronounced by me in open court, this the 18th day of September - 2025.

**Principal District Judge,  
Tiruvannamalai.**

**ORDER**

**I.A.No.08/2025 in**

**O.S.No.213/2023**

**Dated : 18.09.2025**