

**III ADDITIONAL DISTRICT AND SESSIONS COURT  
TIRUVALLUR AT POONAMALLEE**

Present : **Thiru.C.VIJAYAKUMAR, B.A., B.L.**  
III Additional District and Sessions Judge

**Monday, the 25<sup>th</sup> day of August 2025**

**I.A. Nos.07/2024 in O.S. No.288/2019**

- 1) M. Krishnamurthy, Son of Late. Munusamy;
- 2) A. Juliet, Wife of M. Krishnamurthy,  
Previously both are residing at  
No: 2/649, New No: 834, Vallalar Stroct  
Karimedu, Anna Nagar,  
Palavedu Village, Ambattur Taluk, Thiruvallur District.  
Now both are residing at No. 3, 3<sup>rd</sup> Street,  
Rajiv Nagar, Muthapudupet, Chennai – 600055.
- 3) R. Edaya Chandran, Son of J.S. Rajendran,  
No: 24, II Street, Muthapudupet, IAF, Avadi.  
Chennai – 600055.

..Petitioners/Defendants

-Vs-

- 1) S. Anthoniammal, Wife of Latc. Balakrishnan,
- 2) Bakkiyalakshmi, Wife of Santhoshkumar,  
Previously both are having address at No: 3. 3rd Street, Rajiv Nagar, Muthapudupet,  
Chennai - 600055  
now both are residing at No. 3, 1 Street, Ganesh Nagar,  
Mittanamallec, IAF Avadi, Chennai-600055.

..Respondent/Plaintiff

This petition came up before me for final hearing on 29.07.2025 in the presence of Thiru.P.Selvakumar, learned counsel for the petitioners/defendants, and M/s.V.S.Eswaran, and G.Ganapathy, learned counsels for respondents/plaintiffs, and

upon hearing both sides and having stood over for consideration till this day, this court passed the following:

## **ORDER**

The defendants in the suit have filed this petition under Order 7 Rule 11 (a) & (d) of CPC to reject the plaint as there is no cause of action to file the suit and the suit is barred under Article 59 of Limitation Act and abuse of process of law as it is a re-litigation suit.

### **2. The averments made in the affidavit filed in support of the petition is briefly as follows:-**

**2.1)** The petitioners/defendants filed the present application under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908. The second defendant filed an application accompanying with an affidavit on her own behalf and on behalf of the other petitioners/defendants. The application seeks the rejection of the plaint filed by the respondents/plaintiffs.

**2.2)** The respondents' suit seeks a series of declarations: that the Power of Attorney dated 02.06.2008 executed by the deceased Saroja Ammal in favour of the 1st defendant is null and void; that the Panapatru (cash receipt) of the same date is illegal; that the sale deed dated 17.06.2008 executed by the 1st defendant in favour of the 2nd defendant is illegal and not binding on the estate of P. Saroja Ammal; and that the decree secured by the 2nd defendant in O.S.No.12/2015 (which was confirmed by the High Court of Madras in A.S. No.238/2017 and affirmed by the Supreme Court in

SLP 13604/2019) is vitiated by fraud and is consequently null and void. And also seeks permanent injunctions to restrain the defendants from enforcing this decree and from interfering with the plaintiffs' alleged peaceful possession and enjoyment of the suit property, including collecting rent from a tenant.

**2.3)** The petitioners clarify the relationships: the 3rd Defendant is the foster son of P. Saroja Ammal, and the 1st Defendant is the husband of the 3rd Defendant's aunt (chitthi's husband). Following the demise of Saroja Ammal on 23.08.2010, the petitioners visited the suit property on 03.09.2010 and discovered the plaintiffs in unauthorized occupation of a portion. Upon the plaintiffs' refusal to vacate, the petitioners were compelled to file O.S. No. 321/2010 before the Sub Court, Poonamallee, for recovery of possession against Mr. Premanandam and the present plaintiffs.

**2.4)** The petitioners contended that the respondents of voluntarily suppressing this material fact their involvement in the prior litigation and of filing the present vexatious suit solely to harass them. They specifically refute the plaintiffs' allegation in Para 21 of the plaint that the 2nd defendant concealed the earlier suit and played fraud on the court to secure a decree, contending that O.S.No.12/2015 was a legitimate continuation of O.S.No.321/2010.

**2.5)** The petitioners vigorously defend the validity of their title and the judicial decrees obtained. They state that the judgment and decree dated 03.10.2016 in O.S.No.12/2015, which declared the 2nd petitioner the absolute owner of the suit property, is conclusive. This decree was subsequently confirmed by the Hon'ble High Court of Madras on 01.04.2019 in A.S. No. 238/2017 and finally affirmed by the Hon'ble Supreme Court of India through its dismissal order in SLP No. 13604/2019 on 04.07.2019. Therefore, the plaintiffs' claim that the decree is null and void is false.

**2.6)** A critical factual development rendering part of the suit infructuous is the execution of the decree. The petitioners state that in the absence of any stay order, this court delivered the suit property to them via an order dated 23.07.2019 in E.P. No. 87/2017. The court Amin successfully delivered vacant possession of the Ground Floor and First Floor to the petitioner on 19.08.2019, and the execution petition was officially recorded as satisfied and terminated on 20.08.2019. The petitioner asserts she has been in absolute possession and enjoyment of the entire property since that date. Consequently, the plaintiffs' prayers for permanent injunction (prayers e and f) restraining the defendants from enforcing the decree or interfering with possession have been rendered moot and infructuous.

**2.7)** The petitioners' primary legal ground for rejection is that the suit is barred by limitation. They contend that the respondents/plaintiffs were made aware of the existence of the Power of Attorney, cash receipt, and sale deed as early as 21.11.2011,

when they filed their written statement in the earlier suit, O.S.No.321/2010. Therefore, the right to sue the petitioners for declarations challenging these documents accrued on or before that date. As the present suit was filed years later in 2019, the prayers challenging these documents (prayers a, b, and c) are squarely hit by the law of limitation under the relevant provisions of the Limitation Act.

**2.8)** A further ground for rejection is the alleged undervaluation of the suit and the consequent defrauding of court fees. The petitioners argue that the plaintiffs have disingenuously valued their prayer to declare the decree null and void (prayer d) at a nominal Rs. 5,000/-, paying a court fee of only Rs. 150 under Section 25(d) of the Tamil Nadu Court Fees Act, 1955, claiming it is incapable of valuation. The petitioners assert that since the plaintiffs were defendants in O.S.No.12/2015 and appellants in the subsequent appeals, they are obligated to value the suit as per Section 40(1) of the Act. This would require them to value it based on the value of the decree they are challenging, which is Rs. 16,05,000/-, and consequently pay a proper court fee of Rs. 48,150.

**2.9)** In conclusion, the petitioners contend that the plaint discloses no cause of action, the suit is barred by limitation, constitutes re-litigation, and is a gross abuse of the process of law. They invoke the underlying object of Order VII Rule 11 CPC, which is to summarily terminate sham litigation that unnecessarily protracts proceedings and

wastes valuable judicial time. They pray for a meaningful reading of the plaint and the exercise of the court's power to reject it.

**3) The averments made in the counter-affidavit filed by the 2<sup>nd</sup> respondent are briefly as follows:-**

**3.1)** The 2nd respondent has filed this counter-affidavit both in her individual capacity and on behalf of the 1st respondent. The respondents commence by issuing a blanket denial, stating that all averments contained within the petitioner's application are false and untenable, save for any facts that are explicitly admitted within the counter. The petitioners' application under Order VII Rule 11 CPC is characterized as legally and factually unsustainable.

**3.2)** A primary procedural objection raised is the highly belated stage at which this petition has been filed. The respondents detail the significant progress already made in the suit: the petitioners/defendants entered their appearance, filed a comprehensive written statement, and participated in the framing of issues by the court. Most critically, the trial has advanced substantially. The 2nd respondent has already been examined-in-chief and cross-examined as PW1. Furthermore, two additional witnesses (PW2 and PW3) have been examined and thoroughly cross-examined by the defendants' counsel. Subsequently, a fourth witness, one Pramanantham, has commenced his evidence and has been examined-in-chief as PW4. It is at this

advanced juncture, with the trial well underway, that the petitioners have chosen to file the present application.

**3.3)** The respondents invoke the settled legal principle that an application for the rejection of a plaint is meant to be filed at the threshold, based solely on the plaint's averments. Filing it after the defendant has joined issue, evidence has been led, and witnesses cross-examined is impermissible, as it effectively invites the court to conduct a mini-trial based on evidence, which is contrary to the summary nature of Order VII Rule 11. They pointedly note that the petitioners failed to raise the specific grounds of cause of action, limitation, or undervaluation in their written statement. Crucially, during the extensive cross-examination of the plaintiff (PW1), there was not even a suggestion put to her that the suit was barred by limitation.

**3.4)** On the substantive facts, the respondents confirm the petitioners' claim that the suit property originally belonged to the late B. Sarojammal. They clarify her relation to them: she was the aunt of the 1st respondent and the grandmother of the 2nd respondent. As Sarojammal had no children of her own and lived alone after her husband's demise, she resided with the respondents in the suit property until her death. They provided care for her, especially during her suffering from cancer and her subsequent medical treatment. Despite their best efforts, Sarojammal succumbed to the illness and passed away on 23.05.2010 within the suit premises. The respondents strongly rebut the petitioners' allegation that they are in unauthorized occupation,

labeling this claim as entirely baseless and vexatious. They further state that Sarojammal had retained the ground floor of the property for rent, and after her demise, a tenancy agreement was entered into with the respondents themselves, and they were collecting rent until the tenant vacated.

**3.5)** The respondents posit that Sarojammal was of sound mind and, acting on her own volition, executed a registered Will dated 13.07.2010 in favour of the 2nd respondent. The counter then delves into the heart of their allegations of fraud. They explain that Sarojammal wished to expand the building and had applied to the Avadi Municipality for planning permission. The 1st petitioner/defendant, pretending to offer voluntary assistance with these bureaucratic processes, took advantage of her age, illness, and helplessness. He procured her signatures on various blank papers, non-judicial stamp papers, and typed documents under the false pretense that they were for municipal approvals.

**3.6)** The respondents categorically deny that Sarojammal ever knowingly or voluntarily executed a general Power of Attorney in favour of the 1st defendant. They assert that any such document was brought about through fraud, undue influence, misrepresentation, and coercion. The 3rd petitioner/defendant, who is alleged to be a witness to the Power of Attorney, is accused of acting in collusion with the 1st defendant and of stealthily removing the original title documents from the premises.

**3.7)** The respondents allege that the 1st defendant, exploiting the fraudulently obtained Power of Attorney, then clandestinely executed a sale deed in favour of his wife, the 2nd petitioner/defendant. This sale deed, dated 17.06.2008, is condemned as a sham and nominal transaction. To bolster this claim, the respondents highlight a glaring discrepancy: the sale deed recites a meager consideration of Rs. 8,02,000/-, while the associated *panapatru* (cash receipt) indicates a payment of Rs. 16,00,000/-. They stress that this alleged sale never "saw the light of day" during Sarojammal's lifetime and she remained the true owner in possession until her death.

**3.8)** Finally, the respondents contend that the entire scheme of fraud was hidden from them. The fraud, they state, was only discovered on 17.09.2016, when they obtained a crucial copy of a document from the court registry. Therefore, the cause of action arose from this date of discovery. Consequently, the present suit, filed on 15.07.2019, is well within the three-year limitation period prescribed for actions based upon fraud. The allegations of suppression of material facts and filing a time-barred suit are thus rejected as false and baseless.

**3.9)** For all these reasons both procedural, due to the belated stage of the petition, and substantive, due to the triable issues of fraud and the timely filing within limitation—the respondents pray that the petition for rejection of the plaint be dismissed in its entirety.

4) Both side heard, plaint and the annexed documents persued.

**5) Now the point for consideration before this Court is whether the petition filed by the petitioners/defendants under order 7 rule 11(a) & (d) allowed or not?**

6) The petitioners.defendants filed this petition under order 7 rule 11(a) and (d) cpc seeks rejection of plaint on the ground of the plaint is lack of cause of action and the suit prayer is barred by limitation under article 59 of Limitation Act.

7) The Plaintiffs filed the suit for the prayer of declarations **1)** that the Power of Attorney dated 02.06.2008 executed by the deceased Saroja Ammal in favour of the 1st defendant is null and void; **2)** that the Panapatru (cash receipt) of the same date is illegal; that the sale deed dated 17.06.2008 executed by the 1st defendant in favour of the 2nd defendant is illegal and not binding on the estate of P. Saroja Ammal **3)** and that the decree secured by the 2nd defendant in O.S.No.12/2015 (which was confirmed by the High Court of Madras in A.S. No.238/2017 and affirmed by the Supreme Court in SLP 13604/2019) is vitiated by fraud and is consequently null and void. **4)** And also seeks permanent injunctions to restrain the defendants from enforcing this decree and from interfering with the plaintiffs' alleged peaceful possession and enjoyment of the suit property, including collecting rent from the tenant.

8) The petitioners provide the history of the suit property, which was originally acquired by Shaira Banu Moosa from P.E. Devaraju via a registered sale deed dated 05.10.1986. Shaira Banu Moosa then sold the property to P. Saroja Ammal through a registered sale deed dated 23.02.1990.

9) The suit property is the land and superstructure for the extent of 1800 sq.ft. as described in the plaint. The suit property was originally acquired by Shaira Banu Moosa from P.E. Devaraju via a registered sale deed dated 05.10.1986. Shaira Banu Moosa then sold the property to P. Saroja Ammal through a registered sale deed dated 23.02.1990. Thereafter she constructed building in the suit property. The said sarojammal living in the property with her foster daughter the 2<sup>nd</sup> plaintiff. The defendant 1, and 2 are husband and wife, the 3<sup>rd</sup> defendant is the foster son of said P. Sarojaammal. The 1<sup>st</sup> defendant in collusion with the 3<sup>rd</sup> defendant misusing the ATM and bank accounts of said saroja ammal. And the 1<sup>st</sup> defendant by fraud, undue influence, misrepresentation and coercion had obtained registered power of attorney in his name on 02.06.2008 and also obtained panapatru receipt that the sarojaammal had received Rs16,00,000/ and the 3<sup>rd</sup> defendant in collusion with the 1<sup>st</sup> defendant stealthily removed the original title deeds of the suit property. And the 1<sup>st</sup> defendant sold the suit property to his wife on 17.06.2008 by fraud. In these circumstances the said saroja ammal executed a Registered Will in favour of the 2<sup>nd</sup> plaintiff on 13.07.2010. The said saroja ammal died on 23.08.2010. And on 26.08.2010 the 2<sup>nd</sup>

plaintiff executed a settlement deed infavour of the 1<sup>st</sup> Plaintiff. After that the 2<sup>nd</sup> defendant filed a suit before the sub Court Poonamallee in O.S.No 12/2015 against Mr Premanandam and the plaintiffs in this suit for the prayer of declaration of title, recovery of possession and for damages. And the defendat concealed the material objects played fraud on court and secured decree in III ADJ Poonamallee on 03.10.2016 in O.S No 12/2015. The Appeal in A.S No 238/2017 before the Hon'ble High Court was partly confirmed and the SLP Preferred was also dismissed. The defndants contest the suit on various Grounds and now preferred the present petition filed under order 7 Rule 11(a) 7(d) CPC.

**10)** The suit is in the stage of the cross-examination of PW4. On behalf of the plaintiffs P.W.1 to P.W.4 were examined and ExA-1 to ExA-33 wer marked.

**11)** It is well settled principles of law that a petition under Order 7 Rule 11 of the Code of Civil Procedure (CPC) must be decided solely based on the averments made in the plaint itself, meaning the Court cannot consider any external evidence or arguments beyond what is stated within the plaint when deciding whether to reject the suit at the initial stage. The Hon'ble Supreme Court in the case of **ELDECO HOUSING AND INDUSTRIES LIMITED v. ASHOK VIDYARTHI AND OTHERS.**, Special Leave Petition (C) No 19465 OF 2021, reported in **2023 LiveLaw (SC) 1033** observed that,

**Code of Civil Procedure, 1908; Order VII Rule 11 -  
Rejection of Plaintiff - No amount of evidence or merits  
of the controversy can be examined at the stage of  
decision of the application under Order VII Rule 11  
C.P.C. (Para 26)**

Hence, this Court has to be only examined the plaintiff averments in light of the above observations.

12) Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) reads as follows:

**11. Rejection of Plaintiff:— The plaintiff shall be rejected in the following cases:—**

- (a) Where it does not disclose a cause of action;**
- (b) 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;**
- (c) Where the relief claimed is properly valued, but the plaintiff 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;**
- (d) Where the suit appears, from the statement in the plaintiff, to be barred by any law;**
- (e) Where it is not filed in duplicate;**
- (f) Where the Plaintiff fails to comply with the provisions of Rule 9.**

When this Court consider the application, the Petitioner, filed petition under order 7 Rule 11(a) and (d) which specify the reasons of the plaintiff statement does not disclose cause of action and the suit is barred by Law ie Limitation Act.

### **13) Cause of Action:-**

(i) The Petitioners prominently raised a ground for rejection of the plaint: that the plaint's averments disclose no cause of action. The cause of action, as contained in paragraph No. 31 is briefed below. The cause of action for this suit arose in Avadi, within this Court's jurisdiction, originating with the late Saroja Ammal's absolute ownership of the property, which she acquired and developed using her own funds, her deceased husband's terminal benefits, and her pension. The pivotal event occurred on July 13, 2010, when she executed a registered will bequeathing the property to the 2nd plaintiff, her foster daughter. Upon her death on August 23, 2010, the 2nd plaintiff inherited the estate and subsequently executed a settlement deed on August 26, 2010, transferring the property to the 1st plaintiff. The plaintiffs exercised ownership thereafter until the 2nd defendant initiated litigation, first through a frivolous 2010 suit that failed and then through O.S. No. 12 of 2015, which resulted in a decree and judgment against the plaintiffs on October 3, 2016. This decree was upheld, though in a limited manner, by the Madras High Court on April 1, 2019, which confirmed the 2nd defendant's right to dispossess the plaintiffs. The Supreme Court's dismissal of the plaintiffs' SLP on July 4, 2019, coupled with their subsequent discovery of the alleged fraud and sharp practices employed by the defendants to obtain the decree and the continuing threat of wrongful dispossession, constitutes the immediate cause of action for the present suit. **The Hon'ble Supreme Court in the case of Dahiben vs Arvindbhai Kalyanji Bhanusali (Gajra) decided on 9 July,**

2020 reported in AIR 2020 SUPREME COURT 3310 the Hon'ble Supreme court observed that

**“Cause of action” means every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to judgment. It consists of a bundle of material facts, which are necessary for the plaintiff to prove in order to entitle him to the reliefs claimed in the suit. While considering an application under Order 7 Rule 11 what is required to be decided is whether the plaint discloses a real cause of action, or something purely illusory. What is required is that a clear right must be made out in the plaint. If, however, by clever drafting of the plaint, it has created the illusion of a cause of action, it should be nipped in the bud, so that bogus litigation will end at the earliest stage. The court must be vigilant against any camouflage or suppression, and determine whether the litigation is utterly vexatious, and an abuse of the process of the Court.**

When this Court applied the above observation of the Hon'ble Supreme Court in the present case the Plaintiffs filed the suit for **1)** that the Power of Attorney dated 02.06.2008 executed by the deceased Saroja Ammal in favour of the 1st defendant is null and void; **2)** that the Panapatru (cash receipt) of the same date is illegal; that the sale deed dated 17.06.2008 executed by the 1st defendant in favour of the 2nd defendant is illegal and not binding on the estate of P. Saroja Ammal **3)** and that the decree secured by the 2nd defendant in O.S.No.12/2015 (which was confirmed by the High Court of Madras in A.S. No.238/2017 and affirmed by the Supreme Court in SLP 13604/2019) is vitiated by fraud and is consequently null and void. **4)** And also seeks permanent injunctions to restrain the defendants from enforcing this decree and

from interfering with the plaintiffs' alleged peaceful possession and enjoyment of the suit property, including collecting rent from a tenant.

(ii) The cause of action arose for the case as per the plaint is the power of attorney obtained by the 1<sup>st</sup> defendant from the Sarojini ammal by fraud and collusion with the 3<sup>rd</sup> defendant and the fraud panapatru receipt for a Rs of 16,00,000/ as issued by the said sarojini ammal. And also the earlier suit in O.S No 12/2015 the defendant suppressed the parties and obtained the decree. These are all the averments pleaded by the plaintiff definitely disclose cause of Action. The objection of the defendant against the allegations are not looked into when appraise the plaint averments. Hence in these circumstances the arguments of the learned counsel for the plaintiff that the plaint statement not disclose the cause of action is not acceptable one.

#### **14) Limitation:-**

(i) The learned counsel for the petitioner raised another arguments that the suit claim is barred under article 59 of limitation Act . The Part IV of the Limitation Act reads as follows :

#### **PART IV.—SUITS RELATING TO DECREES AND INSTRUMENTS**

<b>Article 59</b>	<b>To cancel or set aside an instrument or decree or for the rescission of a contract.</b>	<b>3 Years</b>	<b>When the facts entitling the Plaintiff to have the instrument or decree cancelled or set aside or the contract rescinded first become known to him.</b>
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The above article deals with the cancellation of or set aside an instrument or decree or for the rescission of a contract. The plaintiffs in the plaint seeking declarations that

the 1) that the Power of Attorney dated 02.06.2008 executed by the deceased Saroja Ammal in favour of the 1st defendant is null and void; 2) that the Panapatru (cash receipt) of the same date is illegal; that the sale deed dated 17.06.2008 executed by the 1st defendant in favour of the 2nd defendant is illegal and not binding on the estate of P. Saroja Ammal 3) and that the decree secured by the 2nd defendant in O.S.No.12/2015 (which was confirmed by the High Court of Madras in A.S. No.238/2017 and affirmed by the Supreme Court in SLP 13604/2019 is vitiated by fraud and is consequently null and void. Out of three declation prayer the 1 &2 documents are dated 17.06.2008 and the third decree was dated 03.10.2016 in O.S No 12/2015.The plaintiffs in their plaint para 30 stated that since the fraud came to light only on 17.09.2016 when copies were issued to the plaintiffs by the registry of the Court.The plaint was filed on 16.06.2019. Hence as per the plaint averments the suit prayer is protected under limitation Act, In these circumstances the Hon'ble Supreme Court in the case of **Salim D. Agboatwala Vs Shamalji Oddhavji Thakkar** on 17<sup>th</sup> September, 2021 Reported in AIRONLINE 2021 SC 731

**Para 10. In so far as the rejection of plaint on the ground of limitation is concerned, it is needless to emphasis that limitation is a mixed question of fact and law.**

In the light of the above decision of the Hon'ble Supreme Court, the plea taken by the Petitioner in the present case is mixed question of fact and law. It will be decided after full trial.

(ii) Hence as per the above observation this Court has to consider the present petition.

The Petitioners in their affidavit stated that the present suit is barred by limitation is not acceptable.

15) The respondents/Plaintiffs contested this petition and formost raised an objection that the rejection of plaint filed in the stage of after commencing of trial is not maintainable. Now the first point for consideration is whether the petition for rejecction of plaint after the commencement of trial is maintainable or not?

**IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 4570 OF 2023 M/S BHAGYA ESTATE VENTURES PVT. LTD.  
...APPELLANT(S) VERSUS NARNE ESTATES PVT. LTD. & ANR. ...  
RESPONDENT(S) dated 11.09.2024** wherein the Hon'ble Supreme Court held that

**Para 15.** It is already a clarified position of law that without disposing of an application under Order VII Rule 11, CPC, the court cannot proceed with the trial. When this is the position of law and the purpose of the provision is also settled, then, **we see no reason for the right of the defendant to raise such a plea at a far belated stage such as final arguments or nearing conclusion of the trial.** Allowing such pleas to be raised after the trial has proceeded so far would not only defeat the intent of the provision but would also go against the principle of equity and would lead to wastage of the court resources. Additionally, allowing such rights to survive till eternity only act as a catalyst for the defendant to misuse the provision to prolong or delay the trial and abuse the process of law.

When this Court applied the above provision to the present case, the trial had already commenced on 03.03.2023. On behalf of the plaintiffs, 1 to 4 witnesses were

examined and Exhibits A1 to A33 were marked. Therefore, the filing of this petition is at a belated and advanced stage.

In the result, this petition is dismissed. No cost.

Dictated to the steno-typist, transcribed and typed by her into the computer, corrected and pronounced by me in the open court on this, the 25<sup>th</sup> day of August 2025.

Sd/- C.VIJAYAKUMAR  
III Additional District and Sessions Judge,  
Tiruvallur at Poonamallee.

**Petitioners side exhibits:-**

Ex.P-1	27.09.2010	Certified copy of Plaint in O.S.No.321/2010 on the file of Sub Court, Poonamallee
Ex.P-2	21.11.2011	Certified copy of Written Statement in O.S.No.321/2010 on the file of Sub Court, Poonamallee
Ex.P-3	05.04.2013	Certified copy of Affidavit and Petition in I.A.No.318/2013 in O.S.No.321/2010
Ex.P-4	14.06.2013	Certified copy of Counter in I.A.No.318/2013 in O.S.No. 321/2010 on the file of Sub Court, Poonamallee

Ex.P-5	24.01.2014	Certified copy of Affidavit and Petition in I.A.No.106/2014 O.S.No.321/2010 on the file of Sub Court, Poonamallee
Ex.P-6	28.04.2014	Certified copy of Counter in I.A.No.106/2014 in O.S.No.321/2010 on the file of Sub Court, Poonamallee
Ex.P-7	24.09.2014	Certified copy of Memo in O.S.No.321/2010 on the file of Sub Court, Poonamallee
Ex.P-8	09.04.2015	Certified copy of Memo in O.S.No.12/2015 on the file of ADJ III, Poonamallee
Ex.P-9	04.07.2015	Certified copy of Additional Written Statement in O.S.No.12/2015 on the file of ADJ III, Poonamallee
Ex.P-10	03.10.2016	Certified copy of Decree and Judgment in O.S.No.12/2015 on the file of ADJ III, Poonamallee
Ex.P-11	01.04.2019	Certified copy of Judgment in A.S.No.238/2017 on the file of Hon'ble High Court of Judicature, Madras.
Ex.P-12	23.07.2019	Online copy of E-Court entry of passing of delivery order in E.P.No.87/2017
Ex.P-13	19.08.2019	Xerox copy of Delivery Receipt in E.P.No.87/2017 on the file of ADJ III, Poonamallee.

Ex.P-14	20.08.2019	Certified copy of 'A' Diary Extract in E.P.No.87/2017 on the file of ADJ III, Poonamallee.
Ex.P-15	02.06.2008	Certified copy of Registered Power of Attorney Deed in favour of 1 <sup>st</sup> Petitioner/ 1 <sup>st</sup> Defendant herein
Ex.P-16	02.06.2008	Certified copy of Un-Registered Panapatru (Cash Receipt) in favour of 1 <sup>st</sup> Petitioner/ 1 <sup>st</sup> Defendant herein
Ex.P-17	17.06.2008	Certified copy of Registered Sale Deed in favour of 2 <sup>nd</sup> Peitioner/ 2 <sup>nd</sup> Defendant herein

Sd/- C.VIJAYAKUMAR  
III Additional District and Sessions Judge,  
Tiruvallur at Poonamallee.