

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

**PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.**

Tuesday, the 24th day of February 2026.

IA No.1 OF 2025
in
O.S. NO.5 OF 2025

1. State of Tamil Nadu Rep. by the
District Collector, Thiruvallur District.
2. The Thasildar, Ponneri Taluk
3. The Revenue Inspector, Sozavaram.
4. The Village Administrative Officer,
Ponneri Taluk.
5. Mr.Sathiyam

..... 5th Petitioner/5th Defendant

Versus

1. Devaki
2. Ramesh
3. Ravi

..... Respondents/Plaintiffs

This petition came before me on 09.02.2026 for final hearing in the presence of Mr.K.S.Prabhakaran, learned counsel for the petitioner/5thdefendant, Mr.T.Kumar, learned counsel for the Respondents/plaintiffs. Upon hearing the arguments made by the learned counsels for the 5th petitioner and the respondents and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following

ORDER

1. This application has been filed under Order VII Rule 11 and Section 151 of Civil Procedure Code to reject the plaint in OS.No.5 of 2025.

2. Brief averments of the affidavit filed by the 5th petitioner are as follows:

2.1. The respondents/plaintiffs herein have filed the suit seeking relief of declaration of 2nd class legal heirs of deceased Ethirajulu. The said Ethirajulu and his wife

Jayammal there is no issues but they have decided to adoption a son of their life. Natural mother of this petitioner Sundarammal she got two daughters and one son namely Satiyam himself. Mrs.Sundaramma W/o.Rajaiyaa was died in the year of 1998 subsequently her husband namely Rajaiyaa was died in the year of 2000. After demise of natural parents parental aunty of this petitioner Mrs.Jayammal and her husband Mr.Ethirajulu both are decided to adopted this petitioner in presences of Village elders and relatives i.e. is respondents/plaintiffs very well known that this petition is the adoption son of late Mr.Ethirajulu their suppressed and filed this present suit is liable to rejected of the plaint.

2.2. The respondents/plaintiffs elder brother Ethirajulu was adopted by him at the time of age was 10 years old. The petitioner sister was already married. The 1st class legal heir of the deceased late.Ethirajulu Son of Kristamma Naidu. The petitioner father Late Ethirajulu having property at Athoor Village in survey No.6/1 and 6/3 total extent of Acre 3.77 cents and other property having at Orakadu Village in Survey No.16/11B total extent of 1 Ares i.e. 3 cents. The both village properties are settled in favour of the petitioner by way of Unregistered Will executed by the petitioner father namely Ethirajulu on 24.06.2021. After demise of father Ethirajulu the only 1st class legal heir and the petitioner absolute owner of the above said property. The 1st class heir is alive and available to succeed to the estate of the both village property of the deceased Ethirajulu and this suit is not maintainable liable to be rejected of the plaint.

2.3. The 2nd respondents/plaintiffs saying that in the plaint he was applied for 2nd class legal heir certificate before the 2nd defendant authority, the 2nd defendant return to the representation to the 2nd respondent/plaintiff through a letter dated 23.07.2024 under ref. No.Na.Ka.1668/2024/a6 dated 23.07.2024 stating that the 2nd class legal heirs ship certificate is not able to issue since only 1st class legal heirs where able to get the said legal heir ship certificate through online. There is no possibility of issuing the 2nd class legal heir ship certificate. While so the report submitted by 3rd

defendant to the 2nd defendant, the 3rd defendant in his report mentioned about objection letter. The petitioner son Ethiraj and Jeyamma its true fact that why the petitioner was objection not to issued 2nd class legal heir certificate in favour of respondents. The revenue Authority not issued 2nd class legal heir certificate in favour of the respondent in which capacity their file this suit for declaration they are the 2nd class legal heirs. The Revenue official not mentioned their report to the respondents/plaintiffs approach to civil court and get 2nd class legal heir certificate but the respondents/plaintiff wrongly take the plea and acted upon. As per succession act class-1 legal heir is alive they only entitle the estate of the deceased Ethirajulu. The plaintiff is no local standi filing the suit and no cause action arose on this ground the plaint liable to be rejected the plaint.

2.4. Apart from that as per G.O.(Ms) No.110 on 13.03.2024(D) if both spouses died with children, children/legally adopted children of the deceased, parents of the deceased their only 1st class legal heirs not siblings this plaint is liable to be rejected. The respondent/plaintiff surprised court fee value, they paid under Section 25(d) is not properly valued by the respondents/plaintiffs so therefore the value of the suit declared in the plaint and the court fee paid is not correct. Hence this petition.

3. Brief averments of the counter filed by the Respondents/plaintiffs are as follows:

3.1. The respondents submit that the other relationship mentioned by the petitioner i.e., Sundrammal, two daughters and one son etc., will be put to strict proof of the same through documentary evidence. The respondents stoutly deny that Ethirajulu adopted Sathiyam, the petitioner when the petitioner was 10 years old. The petitioner sister and her husband names were not disclosed by the petitioner intentionally. Hence there is no merit in this application for rejection of plaint. It is true that late.Ethirajulu had property at Athoor Village in S.No.6/1 and 6/3 total extent of Acre 3.77 and another property at Orakadu Village in S.No.16/11B total extent of 1 ares i.e. 3 cents. The alleged will is not a genuine one. Deceased Ethirajulu never wrote any will alleged date on 24.06.2021. After production of the alleged will copy from

the petitioner if the same is provided. The petitioner knowledge deceased Ethirajulu never wrote any will for the property possessed by him and hence, the alleged will dated 24.06.2021 is the forged will and the said alleged will is not registered. The petitioner is not entitled for the properties left by the deceased Ethirajulu under the alleged will dated 24.06.2021.

3.2. The respondents submit that the deceased Ethirajulu and Jayammal had no issues. Therefore petitioner's adopted son story is no longer valid. The petitioner never become as class 1 legal heir of the deceased Ethirajulu. The further state that the allegations in the affidavit were vague. Declaration for 2nd class legal heirs of the deceased Ethirajulu is Governed by Hindu succession act and petitioner have no locus standing to challenge this suit. Hence this petition is of no merit and the same is liable to be dismissed as not maintainable. Therefore, the respondents pray for the dismissal of this petition.

4. Evidence :

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not

6. Discussion and Findings :

6.1. The present petition has been filed by the petitioner, who is arrayed as the fifth defendant in O.S. No. 5 of 2025, seeking rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908. The suit has been instituted by the respondents/plaintiffs seeking a declaration that they are the Class II legal heirs of the deceased Ethirajulu. As set out in the plaint, the original family comprised Kistamma Naidu and Jayammal, who had one daughter and three sons, including the plaintiffs. One of the sons, Ethiraj, died on 21.06.2022. He had married one Jayamma, who is stated to have died on 07.05.2024, allegedly without leaving any issue. On the

pleading, that the deceased couple died issueless, the plaintiffs claim entitlement to succeed as Class II legal heirs.

6.2. The petitioner/defendant, however, contends that he is the adopted son of the said Ethirajalu and Jayamma, the latter being his paternal aunt, and therefore claims status as a Class I heir. He further relies upon an unregistered Will dated 24.06.2021 allegedly executed by Ethirajalu in his favour, claiming that by virtue of adoption, he has become the absolute owner of the suit property. On this basis, he seeks rejection of the plaint and dismissal of the suit at the threshold. The respondents/plaintiffs have objection to the petition, specifically denying both the alleged adoption and the execution and validity of the Will dated 24.06.2021. They maintain that the deceased couple died issueless and that the petitioner has no manner of right in the suit property.

6.3. Upon consideration of the rival submissions, it is evident that the petitioner's claim of adoption is a disputed question of fact. Similarly, the alleged unregistered Will can be established only in the manner known to law and such proof necessarily requires a full-fledged trial.

6.4. At this juncture, Order VII Rule 11 of the Code of Civil Procedure provides specific grounds on which a plaint may be rejected, such as where it does not disclose a cause of action, where the relief claimed is undervalued, where insufficient court fee is paid, where the suit is barred by law, or where the plaint is not filed in duplicate or does not comply with Rule 9. It is well settled that while considering an application under Order VII Rule 11, the Court must confine itself strictly to the averments made in the plaint and the documents relied upon therein, and not to the defence raised by the defendant.

6.5. With the above said background of facts, it is necessary to mention here the landmark case of the Supreme Court in *T. Arivandandam v. T.V. Satyapal* (1977) 4 SCC 467 held that if on a meaningful, not formal reading of the plaint it is manifestly

vexatious or meritless and does not disclose a clear right to sue, the court should exercise its power under Order VII Rule 11.

6.6. In the present case, the petitioner has not clearly specified under which particular clause of Order VII Rule 11 he seeks rejection of the plaint. More importantly, the defence of adoption and the alleged Will constitute matters requiring evidence and adjudication at trial. The plaint, on a bare reading, discloses the relationship between the parties. It is well-settled principle that cause of action is a bundle of essential facts which the plaintiff must prove to obtain relief. On a prima facie examination, the plaint discloses such bundle of facts and cannot be said to be barred by law or devoid of cause of action.

6.7. In these circumstances, this Court finds no ground to its power of rejection of plaint at this threshold stage. The issues raised by the petitioner are matters for trial and cannot be adjudicated in a manner under Order VII Rule 11 of the Code of Civil Procedure. Accordingly, the petition stands dismissed. No costs.

7. Result:

In the result, this Petition is dismissed. No costs.

Dictated by me to the stenographer, directly typed by her in her desktop, corrected and pronounced by me in the open court on this the 24th day of February 2026.

DISTRICT MUNSIF
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF
PONNERI

Fair/ Draft Order
I.A.No.1/2025
O.S.No.5/2025
Date: 24.02.2026
DMC,PNI.