

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Tuesday, the 17th day of February 2026.

IA No.8 OF 2023
in
O.S. NO.24 OF 2023

1. Smt.L.Saradammal
2. Smt.L.Ramathilagam
3. Smt.D.Rajalakshmi

.....Petitioners/Defendants

Versus

1. A.Yugandhar
2. A.Gopi
3. A.Vijayadu
4. The Sub Registrar, Ponneri.

..... Respondents 1 to 3/Plaintiffs

..... 4th Respondent/4th Defendant

This petition came before me on 07.02.2026 for final hearing in the presence of Mr.G.N.Reddy, learned counsel for the petitioners/defendants, Mr.B.S.Jothiraman, Mr.A.Moorthy, learned counsels for the Respondents 1 to 3/plaintiffs. The 4th respondent no counter to this petition. Upon hearing the arguments made by the learned counsels for the petitioners and the respondents 1 to 3 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(a), 11(d) of Civil Procedure Code to reject the plaint in OS.No.24 of 2023.

2. Brief averments of the affidavit filed by the petitioners are as follows:

2.1. The plaintiffs' father, Late Krishna Reddy, purchased lands measuring 16 cents, 5 cents, and 2 cents (total 23 cents) with an old building in Survey No.272/25, Minjur

Village. He purchased the property as Kartha of the joint family and was in joint possession and enjoyment along with the petitioners until the partition dated 02.08.1969. He never enjoyed the 23 cents exclusively in his individual capacity before the partition. As per the certified copy of the partition deed dated 02.08.1969 of Document No.4506/1969, SRO Ponneri, the 23 cents in Survey No.272/25, being joint family property, was included in the partition. An extent of 0.6 cents with an oil mill building on the eastern portion was allotted to the petitioners. In 1987, Survey No.272/25 was subdivided into 272/25A and 272/25B. Survey No.272/25A measuring 0.17 cents was correlated to Patta No.57 in the name of Late Krishna Reddy, and Survey No.272/25B measuring 0.6 cents (2.5 ares) was correlated to Patta No.516 in the name of the petitioners. Notice dated 15.05.1987 was issued by the Deputy Inspector, Land Records Updating Scheme, Ambattur, calling for objections. The plaintiffs' mother allegedly owned 0.2 cents separately, but she was never in exclusive possession or enjoyment. The plaintiffs have not mentioned separate subdivision details regarding her alleged property. Late Krishna Reddy filed O.S. No.59/1990 for bare injunction regarding 0.17 cents in Survey No.272/25A, clearly describing the eastern boundary as Survey No.272/25B. The suit was dismissed for default on 17.09.1997. This shows he was aware of the subdivision as early as 1990. A subsequent partition deed dated 27.08.2001 registered on 07.12.2001 allotted only 0.17 cents with building in Survey No.272/25 to Late Krishna Reddy. The eastern portion 0.6 cents in Survey No.272/25B belonged to the petitioners, who have been in absolute possession and enjoyment.

2.2. The petitioner further submits that Late Krishna Reddy executed a Will dated 04.09.2001, bequeathing only 0.17 cents in Survey No.272/25 (as allotted under the 2001 partition) to his legal heirs. He had no independent right over the 0.6 cents in Survey No.272/25B. The plaintiffs claim to have come to know about Survey No.272/25B and Joint Patta No.516 only in 2019. However, records show knowledge existed from 1987 and at least from 1990 through O.S. No.59/1990. Therefore, the suit filed on 14.02.2023 is barred by limitation under Articles 56 and 59 of the

Limitation Act. The plaintiffs' representations to revenue authorities and the Chief Minister's Grievance Cell in 2021 are afterthoughts and time-barred. The plaintiffs undervalued the suit. Relief (a) was valued at Rs.5,000 though the document value was Rs.6,000; hence additional court fee of Rs.30/- is payable. Relief (c) was valued at Rs.20/- under Section 50 of the TNCF Act, whereas Rs.100/- is payable; hence an additional Rs.70/- is due. As there is no valid cause of action and the declaration sought is barred by limitation, the suit is liable to be dismissed.

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

3.1. The allegation that when Late Krishna Reddy purchased 23 cents of land he acted as Kartha of a joint family and that the petitioners and their father were in joint possession until the partition dated 02.08.1969 is false. The joint family status ceased after the 1959 partition. Late Krishna Reddy had purchased not only the said 23 cents but also other properties and was living separately, enjoying his properties independently. The mere allotment of property jointly under the 1959 partition did not create a joint family. Only the well, water canal, and drying yard in the 'C' schedule were enjoyed in common. The 'D' schedule properties were enjoyed separately without division by metes and bounds, as clearly stated in the 02.08.1969 partition deed.

3.2. The plaintiffs have not pleaded who constituted the alleged joint family, what the family income or nucleus was, what properties were managed by Late Krishna Reddy as Kartha, or what contributions were made by the defendants. There are no averments regarding management of defendants' properties or income derived therefrom. These omissions clearly show that no joint family existed. The description of Late Krishna Reddy as "Kartha" was introduced only after the 1969 partition and finds no support in the recitals of the 1969 partition deed. On the contrary, the deed states that the parties were enjoying their respective shares separately and absolutely, though without division by metes and bounds, which negates any joint family concept.

3.3. The family of Late Krishna Reddy is distinct from that of the defendants. Krishna Reddy was the son of Narayana Reddy, whereas the defendants' father was Ranga Reddy, as evident from the 1959 partition deed. Therefore, the allegation of joint family status or that Krishna Reddy acted as guardian/Kartha does not arise either in law or on facts. The contention that the suit is barred by limitation is misconceived. Limitation is a mixed question of law and fact to be decided after trial. The plea of estoppel is also unsustainable. Late Krishna Reddy was competent to execute the Will. The eastern boundary mentioned in the Will relates to a different building and not the suit schedule property. The boundary was retained at the insistence of the registering authority as per the parent document, which does not confer any right over the suit property to the defendants.

3.4. The plaintiffs deny knowledge of O.S. No.59/1990 allegedly filed by their father and call upon the defendants to prove its filing and authenticity. In 1987, the Deputy Inspector, Land Records Updating Scheme, Ambattur confirmed Late Krishna Reddy's ownership of 21 cents. The plaintiffs came to know of the subdivision only on 13.08.2019 and thereafter approached revenue authorities to rectify the error. The authorities did not disclose the basis for subdividing 6 cents in the defendants' name.

3.5. While the matter was pending before the Tahsildar, the defendants allegedly interfered with the property using hooligans. The plaintiffs filed I.A. Nos.5, 6, and 7 of 2023 seeking injunction. They were pursuing remedies before authorities who failed to rectify the mistake. The Hon'ble Supreme Court, in Suo Motu Writ Petition (C) No.3 of 2020 by order dated 23.03.2020 and subsequent orders, extended limitation by excluding the COVID-19 period from March 2020 to 2021. Hence, the suit is within limitation.

3.6. The defendants were aware of the enquiry before the RDO, Ponneri and, in collusion with revenue officials, hurriedly registered a partition deed dated 18.12.2022 to defeat the plaintiffs' claim. The boundary description was retained as

per the parent document at the insistence of the Registration Department, and steps are being taken to rectify it. The suit has been properly valued. The allegations of undervaluation, absence of cause of action, and limitation are not bona fide. The suit is legally maintainable and cannot be rejected on technical grounds. The petition to reject the plaint is based on clever drafting and deserves dismissal.

4. Evidence :

On the side of the petitioners, Exhibits P1 to P18 were marked and no oral evidence was let in. 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. Heard both sides. Records perused. This Court has carefully perused the written arguments filed by the petitioners. The present petition has been filed by the petitioners/plaintiffs under Order VII Rule 11(a) and (d) of the Code of Civil Procedure seeking rejection of the plaint on the ground that it does not disclose a cause of action and that the suit is barred by the law of limitation. The case of the petitioners is that the suit property measuring 23 cents with specific boundaries in Survey No. 275/25 was purchased by Late Krishna Reddy, the father of the plaintiffs, as the karta of the joint family. It is their contention that a partition was effected under a registered partition deed dated 02.08.1969 between the petitioners and the said Krishna Reddy, which has been marked as plaint document No. 5, and that the recitals therein would show that the property was treated as joint family property and that 6 cents fell to the share of the petitioners. It is further contended that the suit property was subdivided into S.No. 272/25A and S.No. 272/25B during the year 1987. It is also contended that the respondent's father had filed a bare injunction suit in O.S. No. 59 of 1990, in which he described the eastern boundary as Survey

No.272/25B, which was later dismissed for default on 17.09.1997. Thus, the above mention of Survey No. 272/25B as the eastern boundary in the suit bearing O.S. No. 59 of 1990 filed by the respondent's father, Krishna Reddy, would clearly reflect his knowledge of the subdivision of Survey No. 272/25 into Survey No. 272/25A and Survey No. 272/25B. Thus, the respondents/plaintiffs had knowledge of the allotment and subsequent subdivision of S.No. 272/25 into S.No. 272/25B as early as 1987, and therefore the present suit is barred by limitation. Further, it is contended that the above 23 cents formed part of the exclusive joint family property of the petitioners, which was included in the partition deed dated 02.08.1969 executed by the father of the plaintiffs.

6.2 The petitioner seeks rejection of the plaint on the ground that the respondent's father had knowledge of the subdivision of the suit property into Survey No. 272/25A and Survey No. 272/25B during the year 1990, by virtue of his having filed the suit showing Survey No. 272/25B as the eastern boundary, and therefore the present suit is hopelessly barred by limitation. Before adverting to the appreciation of the contentions of the petition, it is necessary to discuss certain settled principles regarding the rejection of a plaint. It is well settled that while considering an application under Order VII Rule 11 CPC, the Court must confine itself strictly to the averments contained in the plaint and the documents relied upon therein. The defence taken by the defendants in the written statement or in the affidavit filed in support of the petition for rejection of the plaint cannot be looked into. The petitioners in this case have attributed the respondent's father's knowledge of the subdivision based upon the suit filed by him during the year 1990, and thereby contend that the present suit is hopelessly barred by limitation. However, the above contention of the petitioners regarding O.S. No. 59 of 1990, supported by documents, cannot be looked into by this Court while determining a petition for rejection of the plaint, since only the averments contained in the plaint are germane for such determination. The above contentions of the petitioners can be taken into consideration for determining the respondent's father's knowledge regarding the subdivision only during the trial, or

even before the trial if a preliminary issue is framed. In order to determine the plea of limitation, the Court must read the entire averments in the plaint along with the documents filed along with it, and if upon such reading there is no apparent bar of limitation on the face of the plaint, the plaint cannot be rejected at the threshold on the ground of limitation. Applying the above principles to the present case, this Court, upon reading the plaint, cannot find any averment disclosing the respondent's knowledge of the subdivision prior to the year 2019. In such circumstances, the suit cannot be rejected at the threshold on the ground of limitation. In this regard, it is useful to refer to *Popat and Kotecha Property v. State Bank of India Staff Association*, (2005) 7 SCC 510, wherein the Hon'ble Supreme Court has held that for the purpose of deciding an application under Order VII Rule 11(d) CPC, the averments in the plaint alone are germane and that where the issue of limitation requires examination of facts and evidence, the plaint cannot be rejected. Similarly, in *N.V. Srinivasa Murthy v. Mariyamma*, (2005) 5 SCC 548, it has been observed that where the question of limitation is a mixed question of law and fact, it cannot be decided without trial unless it is ex facie barred. In the case on hand, the plaint does not, on its face, disclose that the suit is barred by limitation. On the contrary, the plaintiffs have pleaded specific dates of knowledge and subsequent events giving rise to the cause of action. Whether such pleadings are true or not is a matter for trial.

6.3 The petitioner has also contested the petition on another ground, stating that the plaint does not disclose a cause of action. In order to ascertain whether the plaint discloses a cause of action, a meaningful reading of the plaint must be undertaken. The Hon'ble Supreme Court in *Church of Christ Charitable Trust and Educational Charitable Society v. Ponniamman Educational Trust*, (2012) 8 SCC 706, has categorically held that a cause of action comprises a bundle of essential facts which, taken together, give the plaintiff the right to seek relief, and that so long as the plaint discloses such a bundle of facts, it cannot be rejected at the threshold. In the present case, the petitioner disputes the character of the property held by the respondent's father as karta, whereas the respondents claim that the property was held by their

father as self-acquired property. In this case, a triable issue arises with regard to determining the nature of the suit property held by the respondent's father. Therefore, the respondent has disclosed a valid cause of action against the petitioner, and the petitioner has every opportunity to disprove the case of the respondents during trial. The plaint contains specific averments regarding the plaintiffs' claim of title, their assertion of continued possession, the alleged illegal subdivision and allotment in favour of the defendants, the date on which they claim to have come to know of such subdivision, and the alleged interference with their possession. These averments, taken cumulatively, constitute a bundle of material facts which require adjudication upon evidence. Therefore, it cannot be said that the plaint does not disclose a cause of action.

6.4. This court has carefully perused the citation shared by both sides. Thus, upon a holistic reading of the plaint and applying the settled legal principles governing Order VII Rule 11 CPC, this Court is of the view that the plaint discloses a cause of action in as much as it sets out a bundle of essential facts entitling the plaintiffs to seek relief. Further, the plea of limitation raised by the petitioners involves disputed questions of fact which cannot be adjudicated without evidence. Therefore, the grounds under clauses (a) and (d) of Order VII Rule 11 CPC are not attracted to the present case. The petition seeking rejection of the plaint is liable to be dismissed and is accordingly dismissed.

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 17th day of February 2026.

DISTRICT MUNSIF
PONNERI

List of witnesses on the side of the petitioners: NIL

List of documents on the side of the Petitioners:

Exhibits	Date	Description of Documents
Exhibit P1	22.12.1959	Partition deed – Certified copy
Exhibit P2	02.08.1969	Partition deed – Certified copy
Exhibit P3	15.05.1987	Notice to Survey field register – Original
Exhibit P4	--	OS.59 of 1990 plaint – Certified copy
Exhibit P5	--	OS.59 of 1990 written statement – Certified copy
Exhibit P6	--	Advocate commissioner report and rough sketch – Certified copy
Exhibit P7	--	IA.535/1990 and OS.No.59/1990 Advocate commissioner report and rough sketch – Certified copy
Exhibit P8	17.09.1997	OS.59 of 1990 Judgement – Certified copy
Exhibit P9	17.09.1997	OS.59 of 1990 Decree – Certified copy
Exhibit P10	27.08.2001	Partition deed – Certified copy
Exhibit P11	26.10.2021	Chitta and Adangal – True copy
Exhibit P12	07.12.2022	Settlement deed – Certified copy
Exhibit P13	07.12.2022	Settlement deed – Certified copy
Exhibit P14	17.12.2022	Partition deed – Certified copy
Exhibit P15	--	Notice of demand for House tax and Special notice of property tax new assessment or amendment receipts – Original
Exhibit P16	--	House and Property tax receipts – Original
Exhibit P17	--	Property tax receipts – Original
Exhibit P18	--	OS.59 of 1990 Suit register extract – Certified copy

List of witnesses and Exhibits on the side of the respondents: Nil

DISTRICT MUNSIF
PONNERI

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DMC,PNI.