

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Monday, the 06th day of April 2026.

IA No.1 OF 2025

in

O.S. NO.108 OF 2025

Arulmigu Shree Panayathamman Koil,
Represented by its Secretary,

..... Petitioner/ Defendant

Versus

K.Babu

..... Respondent/Plaintiff

This petition came before me on 12.02.2026 for final hearing in the presence of Mr.J.Senthamilarasu, Learned counsel for the petitioner/defendant, Mr.S.Murugan, learned counsel for the Respondent/plaintiff. Upon hearing the arguments made by the learned counsels for the petitioner and the respondent 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 of Civil Procedure Code to reject the plaint in the above suit.

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

2.1. The petitioner submits that the plaintiff has miserably failed to disclose any semblance of a legal right or cause of action to bring this suit. The temple situated on Panayathamman Koil Street and the plaintiff's schedule-mentioned property are in no way connected with each other. The defendant does not raise any objection to the plaintiff's property details but seeks to clarify that the property is situated at the junction of Bajanai Koil Street. After purchase, the plaintiff constructed the building,

and the western side of the plaintiff's property is shown as Panayathamman Koil Street in the schedule as per the document itself. The petitioner further states that at the time of purchase, the western side of the property had a local panchayat drainage canal, and only after such drainage was the plaintiff's house constructed. The petitioner submits that beyond the canal, a garbage collection point was established by the local panchayat, and for the past 40 years, an E.B. transformer was also located on the western side of the plaintiff's property. At present, the said transformer has been shifted, and the plaintiff is now claiming the road as his property.

2.2. Apart from this, if the plaintiff claims any rights over the property, they ought to file an application before the Local Panchayat Board and not against the Panayathamman Koil. Furthermore, the plaint does not disclose any cause of action to file this petition. The plaintiff issued a legal notice; however, suppression of material documents amounts to fraud upon the court. If the plaintiff claims rights over the road, the suit ought to have been filed against the appropriate authority, namely the Naravarikuppam Panchayat, but the plaintiff has chosen to misrepresent facts. The plaintiff has suppressed several material facts in the present suit, despite the property already being constructed, and must clarify their rights over the entire western side of the suit schedule property road by impleading the necessary parties. If the plaintiff seeks to prove the suit, they must implead the Local Panchayat Board as a party and properly claim the property. Various observations and judgments of the Apex Court regarding misrepresentation and fraud played upon the court are cited. In the observation by De Grey, C.J. in *Rex v. Duchess of Kingston* (2 Smith L.C. 687), it was held that "Fraud is an intrinsic, collateral act which vitiates the most solemn proceedings of courts of justice." Lord Coke has stated that it avoids all judicial acts, ecclesiastical and temporal. In *Kich v. Walcott* (1929 Appeal Cases 492), it was held that it would be within the power of a party to a decree vitiated by fraud to apply directly to the court which pronounced it to have it vacated.

2.3. The petitioner submits that in *Mahindra Nath Mittra v. Hari Mondal* (24 Calcutta Weekly Notes 133), with respect to what constitutes fraud sufficient to set aside a

decree, two propositions are well established: first, although it is not permitted to show that the court was mistaken, it may be shown that it was misled; in other words, where the court has been intentionally misled by the fraud of a party, such fraud amounts to a fraud upon the court with the intention of procuring its judgment. In terms of Order VII Rule 11(d) CPC, the plaint shall be rejected where the suit appears from the statements in the plaint to be barred by any law. The scope of Rule 11 of Order VII CPC has been explained in various decisions, and the legal principles deducible are that if the plaint does not disclose a cause of action or is barred by law, it can be rejected; where the litigation is utterly vexatious and an abuse of the process of court; if any one of the conditions mentioned under the Rule is found to exist, thus saving the defendants from the onerous and hazardous task of contesting a non-maintainable suit during protracted litigation; and where the suit has been instituted without proper authority. The averments made in the plaint as a whole have to be considered to determine whether clause (d) of Rule 11 of Order VII is applicable. It is not permissible to cull out a sentence or passage and read it in isolation out of context. Hence, this petition.

3. Brief averments of the counter filed by the Respondent/plaintiff are as follows:

3.1. The respondents submit that it is true that the petitioner/defendant temple is situated away from the respondent's property; however, it is also true that the temple authorities attempted to annex the suit schedule property to the temple, which was objected to by the respondent in his capacity as the owner of the property. The temple authorities, with the intention to trespass upon the respondent's property and use it extensively, influenced the Electricity Department to remove the transformer from its original location and relocate it elsewhere. Not only that, they have commenced preliminary work to construct a permanent structure over the suit schedule property and have collected stone pillars and other construction materials, dumping them on the said property. As their illegal attempt to trespass was restrained by this Court, their true intentions have now come to light. Therefore, they have taken the plea that the suit lacks cause of action as a means to defeat the interests of the respondent/plaintiff with ulterior motives.

3.2. The respondent submits that the plaint clearly explains that the suit schedule property measures an extent of 2400 sq. ft. At the time of construction of the house, the respondent's father constructed the building on three-fourths of the land and left one-fourth as open space for family use. In the said open space, the Panchayat constructed an underground drainage canal. As the drainage was covered with concrete, it has been used by the respondent's family members for car parking and other personal purposes, in their capacity as owners of the property, without any interruption from anyone. Adjacent to the property, a public road exists, on which an E.B. transformer and a Panchayat dustbin were situated. Recently, the E.B. transformer was removed from its original location and installed elsewhere. Thereafter, the petitioner/defendant temple authorities quarrelled with the respondent's family members.

3.3. The respondent submits that he has not questioned the Naravarikuppam Panchayat for using the property for underground drainage over the past several years, as the Panchayat has not interfered with his use and enjoyment of the property to date. The legal notice, police complaint, and CSR copy issued by the police authorities have been filed as plaint documents and are available on the records of this Court. The petitioner/defendant repeatedly contends that the suit has been filed without cause of action and that the respondent is not the proper person to claim rights over the property, further stating that the Naravarikuppam Panchayat is the proper authority. The respondent has not claimed any right over the road; he is only objecting to the petitioner/defendant's attempts to trespass upon his property. The local Panchayat Board has not interfered with the respondent's possession and use of the property, and the Panchayat records clearly establish his ownership. A group of persons, organized in the name of the petitioner/defendant, have taken the law into their own hands and engaged in unlawful activities against the respondent.

3.4. Originally, the suit property was purchased by the respondent's wife, Mrs. Kalyani, from one Ambi Ammal, wife of Loganathan, in the year 1977, and the same was registered before the Sub-Registrar, Ambattur, as Document No. 46 of 1978.

From the date of purchase, the respondent's family has been in continuous possession and enjoyment of the property. Subsequently, the respondent's mother, Tmt. Saroja Ammal, settled the suit schedule property by way of a settlement deed dated 22.11.2004, registered as Document No. 4645 of 2004 in the office of the Sub-Registrar, Red Hills. Thereafter, the respondent developed the property and constructed a building, leaving the setback portion for car parking and other personal purposes, as the absolute owner of the property. The respondent has clearly disclosed the cause of action in the plaint averments, and the suit has been filed to seek relief from this Court and to prevent the illegal acts of the petitioner/defendant. Therefore, the respondent has a valid cause of action to seek legal remedy before this Court. Hence, the above petition in I.A. No. 3 of 2022 in O.S. No. 76 of 2022 is not maintainable either in law or on facts and is liable to be dismissed.

4. Evidence :

The petitioner has not placed any oral or documentary evidence before this court. Ex.R1 to R3 documents were marked on the side of the respondent.

5. Point for determination :

Whether this petition can be allowed or not

6. Discussion and Findings :

6.1. Upon consideration of the submissions made by both parties and on perusal of the records, this Court is of the view that the present application has been filed by the petitioner/defendant under Order VII Rule 11 CPC seeking rejection of the plaint primarily on the grounds that the plaint does not disclose a cause of action, that the suit is bad for non-joinder of necessary parties, and that it is barred by law and is vexatious in nature. The petitioner has also alleged suppression of material facts amounting to fraud. At the outset, it is pertinent to note that for the purpose of deciding an application under Order VII Rule 11 CPC, the Court is required to examine only the averments made in the plaint and the documents relied upon by the

plaintiff, and not the defence put forth by the defendant. A meaningful reading of the plaint, as a whole, is necessary to ascertain whether it discloses a cause of action. In the present case, the respondent/plaintiff has specifically pleaded that he is the owner of the suit schedule property, that he is in possession and enjoyment of the same, and that the petitioner/defendant temple authorities have attempted to interfere with such possession by trying to trespass into the property, removing the transformer through alleged influence, and dumping construction materials with an intention to put up a structure. These averments, on the face of it, clearly disclose a cause of action for filing the suit seeking protection of possession.

6.2. Further, the contention of the petitioner that the suit property is not connected with the temple and that the respondent ought to have filed the suit against the local panchayat instead, cannot be a ground for rejection of the plaint at this stage. The question as to whether the local panchayat is a necessary party, or whether there is non-joinder of parties requires adjudication during trial and cannot be conclusively decided in an application under Order VII Rule 11 CPC. Non-joinder of a party, by itself, does not render the plaint liable to be rejected unless it is apparent from the plaint that the suit is barred by law. Further, the allegation of fraud and suppression of material facts as raised by the petitioner involves disputed questions which require evidence and cannot be adjudicated at the threshold stage. The citations relied upon by the petitioner with regard to fraud, though laying down settled principles of law, are not directly applicable for deciding an application for rejection of plaint unless such fraud is apparent on the face of the plaint itself, which is not the case here.

6.3. On the other hand, the respondent/plaintiff has produced documents in support of his contention. The photographs marked as Ex.R1 and Ex.R2 prima facie indicate the dumping of construction materials in the suit property, which lends support to the allegation of interference by the petitioner/defendant. The certificate under Section 65B of the Indian Evidence Act marked as Ex.R3 provides the necessary legal foundation for the admissibility of the said electronic evidence. Though the evidentiary value of these documents is to be tested during trial, they cannot be

completely disregarded at this stage, particularly when they support the existence of a dispute relating to possession and alleged interference.

6.4. The contention of the petitioner that the suit is barred by law has also not been substantiated by pointing out any specific legal bar apparent from the plaint averments. Merely alleging that the suit is vexatious or that the plaintiff has no right over the property does not satisfy the requirements under Order VII Rule 11(d) CPC. In view of the above, this Court finds that the plaint, when read as a whole, discloses a clear cause of action and raises triable issues which require adjudication on merits after full-fledged trial. The grounds raised by the petitioner/defendant involve disputed questions of fact which cannot be decided at this preliminary stage.

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 question of interference 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 06th day of April 2026.

DISTRICT MUNSIF
PONNERI

List of witnesses and documents on the side of the petitioner: NIL

List of witnesses on the side of the respondent: Nil

List of Exhibits on the side of the respondent:

Exhibits	Date	Description of Documents
Exhibit R1	--	Photographs (5 Nos)
Exhibit R2	--	Photographs (6 Nos)
Exhibit R3	--	Affidavit in IA.1 of 2025 in OS.108 of 2025

DISTRICT MUNSIF
PONNERI

Fair/ Draft Order
I.A.No.1/2025
O.S.No.108/2025
Date: 06.04.2026
DMC,PNI.