

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

PRESENT: TMT.J.MADHUMITHA,B.A.B.L(HONS.), L.L.M.,

DISTRICT MUNSIF, AMBATTUR.

Monday, 30th day of June 2025.

INTERLOCUTORY APPLICATION NO.4 OF 2023

IN

ORIGINAL SUIT NO.83 OF 2019

CNR.No.TNTR22 – 0000181 - 2019

Mr.R.Santhanakrishnan

.....Petitioner/Defendant

Versus

Mr.R.Vasudevan

.....Respondent/Plaintiff

This petition having come on 30.06.2025 before me for final hearing in the presence of Shri.A.H.Srikanth, P.P.Reeta Safariya, K.Vijayalakshmi, S.Sivakumar and S.Sathyaraj, learned counsels for the Petitioner/Defendant and Shri.R.Varadaraj and A.Periyamuthu, learned counsels for the Respondent/Plaintiff, upon hearing the arguments made by the learned counsel for the petitioner and the respondent and on perusal of the records, this Petition having stood over for consideration till this day, this Court delivers the following:

O R D E R

1. Petition is filed under Order VII Rule 11(a) of CPC to reject the plaint in O.S. No.83 of 2019 on the file of this Hon'ble Court with exemplary cost and thus render justice.

The brief averments contained in the petition as follows : -

2. The main suit is filed by the Respondent/Plaintiff for declaration as to the

document no. 13594/2017 as null and void. The petitioner/defendants is in absolute and enjoyment of the same by virtue of settlement deed and the Respondent/Plaintiff is not in the possession of the suit schedule property by virtue of the above said document via Aadhar card and does not make out any cause of action as the Plaintiff is not residing in the suit property and is residing in Coimbatore, hence the suit will have to be rejected as no cause of action made out.

The averments in the Counter filed by Respondent, in brief are as follows :

3. The Respondent denies the averments in petition, and that the petitioner/defendant even during when his father was alive, had executed a forged settlement deed in Document No.13594/2017 at Sub-Registrar off Ambattur on 06.10.2017 in the name respondent/defendant by impersonating his signature. The retired Fingerprint Expert who had examined the fingerprint in the settlement deed Document No.13594/2017, had given the report in C.No.11/SF/FP/2019 dated 02.07.2019 that the thumb impression in the so-said settlment deed did not belong to the respondent's father's thump impression. The respondent had filed an application in I.A. No.3/2022 to appoint an advocate commissioner to refering the document No.13594/2017.Hence the filing of the above application seeking a rejection of plaintiff is not maintainable. The respondent had temporarily shifted to coimbatore for job purposes he had changed the Coimbatore address in the aadhar card temporary measure and now the Chennai address has been changed in the respondent's Aadhar card. The petition to be dismissed.

4. Ex.P1 to Ex.P41 documents marked on Petitioner side, On the side of Respondent, Ex.R1 To Ex.R8 marked. The point for determination is to whether allow this petition or not.

5. Heard both sides, perused records. The Court on perusal of the provision for rejection of plaint observes that,

Order 7, Rule 11: Rejection of plaint.— The plaint 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 plaint is returned 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 plaint 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**

Thus the petition grounds submitted before the Court that the Respondent is not residing in the suit property is a matter of fact which can be decided only after trial. On perusal of records, Ex.R1 to R8 it is observed that the Respondent address is mentioned as Chennai. Ex.P1 to P.41 filed on the side of Petitioner. The merits of which shall be discussed in main case. There is no breach in the above stated provisions of Order 7 rule 11 in this suit by the Respondent/Plaintiff. Hence the question as to residence of the Respondent can be decided only in trial after framing of necessary issues. Hence, as there is no violation as per grounds mentioned in Order 7 Rule 11 CPC, this Court is inclined to dismiss this petition.

6. RESULT :

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

Dictated to the steno-typist, typed directly by her in the desktop, corrected and

pronounced by me in the open Court on this the 30th day of June 2025.

Sd/-J.MADHUMITHA
District Munsif,
Ambattur.

1).List of Petitioner side Witnesses: NIL

2). List of Petitioner side Exhibits:

Exhibit P1	14.02.1992	Sale Deed – Online Certified Copy
Exhibit P2	16.10.2017	Settlement Deed – Online Certified Copy
Exhibit P3	12.10.2017	Sworn Affidavit – Certified Copy
Exhibit P4	20.07.2018	Rental Agreement - Original
Exhibit P5	15.06.2018	Rental Agreement - Original
Exhibit P6	15.06.2018	Rental Agreement - Original
Exhibit P7	15.06.2018	Rental Agreement - Original
Exhibit P8	15.06.2018	Rental Agreement - Original
Exhibit P9	15.06.2018	Rental Agreement - Original
Exhibit P10	15.06.2018	Rental Agreement - Original
Exhibit P11	20.07.2018	Rental Agreement - Original
Exhibit P12	16.05.2019	Rental Agreement - Original
Exhibit P13	16.05.2019	Rental Agreement - Original
Exhibit P14	16.05.2019	Rental Agreement - Original
Exhibit P15	23.06.2019	Rental Agreement - Original
Exhibit P16	16.05.2019	Rental Agreement - Original
Exhibit P17	16.05.2019	Rental Agreement - Original
Exhibit P18	21.03.2019	Rental Agreement - Original
Exhibit P19	16.05.2019	Rental Agreement - Original
Exhibit P20	23.06.2019	Rental Agreement - Original
Exhibit P21	16.06.2020	Rental Agreement - Original
Exhibit P22	16.06.2020	Rental Agreement - Original
Exhibit P23	16.06.2020	Rental Agreement - Original
Exhibit P24	16.06.2020	Rental Agreement - Original

Exhibit P25	16.06.2020	Rental Agreement - Original
Exhibit P26	16.06.2020	Rental Agreement - Original
Exhibit P27	16.06.2020	Rental Agreement - Original
Exhibit P28	16.06.2020	Rental Agreement - Original
Exhibit P29	01.04.2019	Rental Agreement - Original
Exhibit P30	11.03.2021	Rental Agreement - Original
Exhibit P31	14.04.2019	Death Certificate – Online Copy
Exhibit P32	30.12.2019	Property Tax Receipt – Online Copy
Exhibit P33	12.06.2019	Thorayapatta - Original
Exhibit P34	--	Voter ID – Photo Copy
Exhibit P35	--	Aadhar Card – Photo Copy
Exhibit P36	--	Water and Sewerage Tax Card - Original
Exhibit P37	06.05.2021	Encumbrance Certificate – Online Copy
Exhibit P38	16.06.2020	Rental Agreement - Original
Exhibit P39(Series)	--	Rental Receipts - Original
Exhibit P40	--	EB Cards - Original
Exhibit P41	19.12.2018	Sale Deed – Online Certified Copy

3).List of Respondents side Witnesses: NIL

4). List of Respondents side Exhibits:

Exhibit R1	--	Aadhar Card - Original
Exhibit R2	30.11.2010	Ram Multi Trade Licence - Original
Exhibit R3	01.12.2010	Declaration of Proprietorship - Original
Exhibit R4	09.05.2011	Certificate of Importer-Exporter Code - Original
Exhibit R5	23.10.2018	TSLR Patta – Online Copy
Exhibit R6	25.02.2019	CSR – Photo Copy

**Sd/-J.MADHUMITHA
District Munsif,
Ambattur.**