

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.**