

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

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

Tuesday, 07th day of October 2025.

INTERLOCUTORY APPLICATION NO.2 OF 2019

IN

ORIGINAL SUIT NO.304 OF 2018

CNR.No.TNTR22 – 000432 - 2018

1. T.K.Unnikrishnan1st Petitioner/1st Defendant

2. Vasanthakumari2nd Petitioner/2nd Defendant

Versus

1. K.Kumaran1st Respondent/Plaintiff

2. Venkateswaran2nd Respondent/3rd Defendant

3. K.P.Raja3rd Respondent/4th Defendant

4. Rajeswari4th Respondent/5th Defendant

5. Krishnamurthy5th Respondent/6th Defendant

This petition having come on 28.08.2025 before me for final hearing in the presence of Shri.Mothilal and Goda and Mrs.V.Alamelu, learned counsels for the Petitioners/Defendants 1 & 2, and Shri.V.B.Sudhangan, learned counsels for the 1st Respondent/Plaintiff, No counter endorsed by other 2nd, 3rd and 5th Respondents/3rd, 5th and 6th Defendants, Shri.N.Biswanath, learned counsel for the 2nd, 3rd and 5th Respondents/3rd, 5th and 6th Defendants, 4th Respondent/5th Defendant was already set exparte in the suit, 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:

ORDER

1. Petition is filed under Order 7 Rule 11(a) of CPC Read with Section 151 of CPC to reject the plaint filed by the Plaintiff/1st Respondent being O.S. No.304/2018 on the file of this Court with exemplary costs.

The brief averments contained in the petition as follows : -:

2. That there is no cause of action in filing of the suit by the Plaintiff and also the suit is not maintainable, based on a sham document, including unregistered Sale Letter, which is not maintainable in law, and based on which subsequent document were created. The petitioners submit that suit is also not maintainable based on the manipulated document and also based on a Patta, which has been cancelled by the concerned authorities, after hearing both the Petitioners herein as well as the Plaintiff. The court can take necessary action against the Plaintiff for committing Perjury and the Petitioners herein reserves their right to initiate separate action against the Plaintiff in respect to the same. That the Plaintiff failed to prove how the suit is maintainable, how the cause of action arose and how the jurisdiction arose and further how the suit is maintainable with minimum Court Fee and not based on the value of suit property.

3. The Petitioners herein and their pre-deceasors in title were in continuous and uninterrupted possession of the same and patta in respect of Plot no.32 was mutated

in the name of Petitioners vide Patta No.11581, which includes New Survey No.612/6B2 measuring 1.60 ares and forming part of Old Survey No.612/6B. The Petitioners submits that meanwhile, one K.Pasupathy and K.Kumaran(the Plaintiff herein) claimed title over land measuring 33 cents, comprised in Survey No.612/6B, Old Survey No.612/6. It is to be noted that as per the Revenue Records the extent available in Survey No.612/6B is only 30 cents and it is not clear as to how the Plaintiff can claim tile over the said property. The said persons claiming title stated that originally by an unregistered Sale Letter dated 29.11.1979, one Mariammal wife of Ganesa Reddiar claiming to be the owner of the said property sold the same to Balaraman Reddiar for a consideration fo Rs.2,000/-. The said document is not valid in the eye of law, as a property over a value of Rs.100/- has to be necessarily registered and also there is no Revenue records standing in the name of said Mariammal.

4. In order to make the above said document as genuine, a Mortgage Deed dated 30.04.1987, SRO-Poonamallee) has been created by the said Balaram Reddiar and also further by a Sale Deed dated 20.07.1989 (Doc. No.5782/1989, SRO-Poonamallee) as if the said Balaraman Reddiar sold the property to his own daughter in law, viz., K.Lakshmi, wife of Koti Reddiar (father of the Plaintiff) was also made.The said document is also is a sham and not valid in law and the same has been purportedly flowed from a sham document of unregistered Sale Letter dated 29.11.1979. The Plaint preferred by the Plaintiff based on a Sham and non-est

documents, including the Patta No.9175 is not valid in law and that too against the rightful owners, including the Petitioners herein. Hence the plaint should be rejected.

The averments in the Counter filed by 1st Respondent/Plaintiff, in brief are as follows :

5. The 1st Respondent/Plaintiff states that the suit filed by the 1st Respondent/Plaintiff is not to interfere in the plaintiff's possession hence cancel of the patta is not a issue as the same could be preferred to appeal. Further the 1st Respondent/Plaintiff filed the above suit not only based on patta and also by settlement deed which was not challenged before any forum. That patta of 1st Respondent/Plaintiff was cancelled and at the same time due to ambiguity the 1st and 2nd Petitioners/1st and 2nd defendants' patta was also cancelled hence finality with regard to 1st and 2nd petitioners/1st and 2nd defendants' patta yet not arrived. That the 1st Respondent/Plaintiff is relying on the schedule property extending 33 cents whereas the 1st and 2nd petitioners/1st and 2nd defendants are relying on extending 2280 Sq.ft., hence claim of the 1st and 2nd petitioners/1st and 2nd defendants is totally different one that of suit schedule property. If 1st and 2nd petitioners/1st and 2nd defendants are having the right, the only remedy is declaration as to their property as measurement of their property is not equal to the schedule property of the 1st Respondent/Plaintiff. The above remedies are available to the 1st and 2nd petitioners/1st and 2nd defendants only if the above 1st and 2nd petitioners/1st and 2nd defendants are having the title over the property stated in the affidavit.

6. The 1st Respondent/Plaintiff submits that the defendants are strangers to the 1st Respondent's/Plaintiff's suit schedule property. Further 1st and 2nd petitioners/1st and 2nd defendants are no longer having title over the property stated in their affidavit as even before filing this present petition the 1st and 2nd petitioners/1st and 2nd defendants sold the property to one Suresh under the sale deed vide document no.13184/2018, dated 07.11.2018, on the file of SRO at Avadi. Hence 1st and 2nd petitioners/1st and 2nd defendants are having no Locus Standi to file this petition for rejection of plaint. The above petition is contrary to the fact and Law. Hence the above petition ought to be dismissed with cost as the 1st and 2nd petitioners/1st and 2nd defendants are having no locus standi to file this petition.

7. **POINTS FOR DETERMINATION:** Whether this petition has to be allowed or not?

Discussion and Findings-

8. Heard both sides, perused records. The petition grounds submitted before the Court that there is no cause of action to file the suit. 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

9. It is the main contention of the Petitioners that there is no cause of action existing as the documents relied by the 1st Respondent/Plaintiff are false and not valid in the eye of law. The Respondent has countered that the 1st and 2nd petitioners/1st and 2nd defendants sold the property to one Suresh under the sale deed vide document no.13184/2018, dated 07.11.2018, on the file of SRO at Avadi, hence 1st and 2nd petitioners/1st and 2nd defendants are having no Locus Standi to file this petition for rejection of plaint. This Court refers to Industrial Development Bank of India Vs. Mrs. G.C. Kamala and others - 2009 AIHC 1611 passed by the Hon'ble Single Judge of the Madras High Court, wherein it was held that,

“ as long as the plaint discloses a cause of action, the same cannot be rejected by resort to Order VII Rule 11(a) of the CPC. The correctness or falsity of the cause of action projected in the suit cannot be gone into while dealing with an application for rejection of plaint.”

10. Hence, whether the patta, documents relied upon by the 1st Respondent/Plaintiff to show their title over suit property are valid or not can be decided only after trial by letting evidence on both sides. It is understood from several Hon'ble Apex Court rulings Cause of action is a bundle of facts only, the truth of which can be analysed only after trial, and that Order VII Rule 11 deals only with plaint, and not anything beyond. Even assuming that the contents of the plaint relating to cause of action may not be correct, the Court will not embark upon an enquiry on this aspect while considering an application under Order VII Rule 11. On perusal of records, there is no breach in the above stated provisions of Order VII rule 11 in this suit by the Respondent/Plaintiff. Hence, as there is no violation as per grounds mentioned in Order VII Rule 11 CPC, this Court is inclined to dismiss this petition.

RESULT :

11. **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 07th day of October 2025.

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

List of Petitioners Side and Respondents Side Witnesses and Exhibits: Nil

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