

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

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

Thursday, the 04th day of June 2026.

INTERLOCUTORY APPLICATION NO.6 OF 2024

IN

ORIGINAL SUIT NO.268 OF 2022

CNR.No.TNTR22 – 000468 – 2021

Mr.Sukumar

.....Petitioner/Defendant

Versus

K.Suresh

.....Respondent/Plaintiff

This petition having come on 02.03.2026 before me for final hearing in the presence of Shri.J.Antony Jesuraja and B.Sankar Ganesh, learned counsels for the Petitioner/Defendant, Shri.E.Rajasekar, V.Ponnarasu and S.Krishnamoorthy, learned counsels for Respondent/Plaintiff, upon hearing the arguments made by the learned counsels for the petitioner and the learned counsels for 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 VII Rule 11 CPC to reject the plaint in the O.S.No.268 of 2022.

The brief averments contained in the petition as follows : -

2. The Petitioner submits that the above suit has been filed by the respondent/ plaintiff herein against me for Declaration of suit schedule property and for recovery of possession and removal of the superstructure, compound wall of the B-schedule property. Further for the permanent injunction restraining me from not to disturb plaintiff's peaceful possession and enjoyment of the suit A schedule properties on false and filmsy allegations. That asper the own allegations of the respondent/ plaintiff in his plaint, the above suit is without any cause of action much less legal cause of action.

3. That I am the absolute owner of the property being western portion of Plot No.36 measuring an extent of 1200 square feet. I state that I have purchased the western portion of the Plot No.36 measuring an extent of 1200 square feet comprised in Survey No.182/1, Jayalakshmi nagar – 3, situated at Pothur Village, Ambattur Taluk from one Mr.C.Jayakumar by way of sale deed dated 12.03.2012 registered as Document No.2594 of 2012 at SRO Redhills by my hard earned money. Since then I am in absolute possession and enjoyment of the above property. I also obtained patta for the same vide patta No.4642 issued by the Taluk office Avadi.

4. That in the year 2020 by obtaining loan from bank I started construction of the house in the above referred western portion of plot no.36 namely my property. At that time plaintiff herein interrupted in the construction and falsely alleged that I was in excessive possession of small piece of land and the plaintiff further demand that I

have to pay him Rs.2,00,000/- then only I will be allowed to carry out the construction. I have stoutly denied the above allegation and informed the plaintiff that I have carrying the construction only in my 1200 square feet of land. Even after that also the plaintiff interfered in the construction Option I constrained to launch a police complaint on the plaintiff herein. The police the plaintiff assured that he will not carried out by me, with no other o complaint dated 7.10.2020 against authorities enquired the plaintiff, I give any trouble to me in carrying out the construction.

5. I submits that while the constructions are in completing stage, contrary to the assurance given by the plaintiff before the police authorities that on 06.11.2020 at around 10.15 p.m in the night the plaintiff and his brother along with five henchmen ransacked my house with J.C.B Machine and caused damages to the tune of Rs. 5,00,000/-. I submit that, again i have preferred complaint before the T-7 Avadi tank Police station and police has registered F.I.R in crime No.588 of 2020 against the plaintiff herein under section 3(i) of TNPPDL Act r/w 506(ii) of IPC and subsequently plaintiff got out on Bail and facing the above Criminal case. After the above incident, i have also completed construction of my house and accessed property tax for the said house and i am is in possession and enjoyment of the same without any disturbance for any quarters.

6. I submit that the plaintiff herein in order to escape from the clutches in

Crime No.588 of 2020 and project his criminal acts as civil in nature already filed a suit before this Hon'ble Court vide O.S.No.185 of 2020 on false allegation and cause of action that i have tried to trespass in to plaintiff's property on 05.10.2020 and 20.10.2020. The above suit was filed against me for a prayer of permanent injunction restraining me from interfering plaintiff's peaceful possession. I have filed a detailed written statement in the above suit and contesting the case and in the case issues was also framed and now the above suit is posted for Trial.

CONCISE STATEMENT OF THE COUNTER FILED BY THE RESPONDENT/PLAINTIFF:

7. The respondent / plaintiff is hereby deny the contents, the petitioner/defendant has not come before this Hon'ble Court with clean hands and she has deviously placed the facts, misrepresented the actual truth and distorted the entire issues and has scantily filed this present petition without any locus standi or cause to file the present petition. The allegations raised are also bald and baseless and is nothing but concoted stories arising from wild imaginations of the petitioner/defendant and moreover the petitioner/defendant had suppressed the facts before this Hon'ble Court.

8. That the petitioner/defendant had filed the present application and prayed for reject the plaint without any prima facie. The respondent / plaintiff respectfully submits that the proper morefully described hereunder and hereinafter called the suit Schedule A property , which is a house site. The respondent/plaintiff purchased the suit property from Mr. T. Karunakaran by virtue of registered deed of sale vide

document no. 11762/2015 dated on 11.12.2015, on the t of Sub-Registrar Office, Redhills and whereas the said Mr. T Karunakaran purchased the same from Mr. A. Hariharan by virtue of registered deed of sale vide document No. 268/2015 dated on 20.01.2015, on the file of Sub-Registration Office, Redhills. The said Mr. A. Hariharan purchased the same from one Mrs. G. Manjula by virtue of registered deed of sale, vide document No. 10272/2012 dated on 30.08.2012 on the file of Sub-Registration Office, Redhills. In the year 2009 the said Mrs. Manjula purchased 2400 square feet (including the suit property) from Mr. M. Mohan by way of registered deed of sale vide document No. 5527/2009 on the file of Sub-Registration Office, Redhills.

9. That he has been exclusive peaceful possession and enjoyment of the same from the date of purchase and except the respondent / plaintiff no one has got any manner of right, title or interest over the same. While being so, the respondent/plaintiff further submits that the petitioner / defendant is having property on the Western side of the respondent's / plaintiff's property which is none other than Suit Schedule A Property. On 05.10.2020 the petitioner / defendant illegally trying to encroach some portion on the Western side of the respondent / plaintiff's property which is Suit Schedule A property in order to acquire the same, the petitioner/defendant who has no right, interest or title over the said portion of property. Hence the respondent/plaintiff lodged a complaint before T7 Police Station, Tank Factory on 05.10.2020. Subsequently on enquiry the petitioner/defendant also

admitted his illegal activities and agreed that he will not interfere with peaceful enjoyment of the respondent/plaintiff's property.

10. That the petitioner / defendant is a man who is not a law abiding citizen and more over he is having man power, money power and political power thereby again on 20.10.2020 the petitioner / defendant had encroached 2 ½ feet breadth in the Western portion of the suit Schedule A property is being continued and the same threat of the Petitioner / defendant is imminent danger to the respondent / plaintiff and in such circumstances the petitioner / breadth had constructed a house in his plot by 2 ½ feet breadth and 60 feet length totally 150 square feet. Further the Western side of wall was constructed in the respondent / plaintiff's Western portion of the plot as above mentioned measurement. "B" Schedule property.

11. That he had filed a petition before the Sub-Inspector of Police, Tank Factory Police Station, thereby the said Sub-Inspector investigated the matter and measured both the parties properties in the presence of Village Administrative Officer, Pothur Village and found that that the petitioner / defendant had encroached respondent / plaintiff's property on the Western side to an extent of 150 square feet. The respondent / plaintiff further submits that finally on 20.04.2021 the respondent - plaintiff approached the petitioner/ defendant to clear out the encroached property of the respondent/plaintiff for which the petitioner/ defendant and his henchmen threatened the respondent / plaintiff that he would be killed.

12. The respondent / plaintiff further submits that prior to that construction the

respondent / plaintiff had filed OS No. 185/2020 as against the petitioner / defendant before this Hon'ble Court and prayed for permanent injunction to construct any superstructure, in which the petitioner/defendant was declared as Ex-party, and in the mean time the petitioner / defendant had completed the superstructure in the encroached portion of the suit property. Hence without no other go the respondent / plaintiff had filed the present OS No. 268/2022, in which only the petitioner / defendant had filed the present application for ejection of suit which is not maintainable on law or on facts. If the petitioner/defendant is having right as per his submission then why he became exparte in OS No.185/2020 is itself clearly proves the ulterior motive of the petitioner/defendant. Hence prayed to dismiss the present application.

13. No one is examined and no documents were marked on both sides.

14. The point for determination is to whether allow this petition or not.

Discussion and Findings-

15. Heard both sides, perused records. The petition grounds submitted before the Court that there is no cause of action and barred by law 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

16. It is the main contention of the Petitioners that the cause of action existing in suit, is incorrect and that there is no any cause of action against the Petitioners. Now, the Petitioners/Defendants filed this I.A. Petition under Order VII Rule 11 of CPC to reject the plaint filed of O.S. No. 268 of 2022 on the file of this Hon'ble Court, stating that the cause of action is not maintainable as per the statement by the respondent/plaintiff as the same is pending in O.S.No.185/2020.

17. It is observed that the respondent/plaintiff have filed the suit in O.S. No.185/2020 for granting permanent injunction against Petitioners/Defendants and this suit is filed for relief of declaration and recovery of possession. The subjectmatter of the reliefs in both cases clearly differ. Hence it is observed that the relief sought is not a matter of law alone, but is based on mixed question of fact and law, for which

there is no provision to reject the plaint. With regard to the ground raised for cause of action, 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.”

18. Hence the matter of possession of suit property as on date of filing of suit of the Petitioner is a matter of fact, which can be decided only after trial. Hence, whether all the relief sought is maintainable or not, and whether the plaint is filed suppressing material facts and illusionary cause of action or not are matter of fact which can be decided only after trial by letting evidence on both sides. Further 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 a 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 :

19. 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 04th day of June 2026.

**District Munsif,
Ambattur.**

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Petitioners Side and Respondents Side Witnesses and Exhibits: Nil

**District Munsif,
Ambattur.**