

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE (FTC),
VELLORE, VELLORE DISTRICT.**

**PRESENT: Thiru.P.V.Sandilyan,
Additional District Judge (FTC),
Vellore.**

Friday, the 30th day of January, 2026

I.A. No.13 of 2025

in

O.S. No.76 of 2022

Immanuel Paul . . . Petitioner/Defendant

Versus

Wilson, Represented by his
Power of Attorney Agent
Jacob Premanand . . . Respondent/Plaintiff

This petition is came up before this court for final hearing on 22.01.2026 in the presence of Thiru.J.Sridharan, Counsel for the Petitioner and M/s.R.Nithyanandam, K.Padmavathi, K.Neelakanan and K.Ramanathan, Counsel for the Respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

ORDER

This petition has filed by the petitioner under Order 7 Rule 11 and Section 151 of CPC to reject the plaint.

2. The brief petition averments of the petition :

2.1 The petitioner is the defendant in the main suit which filed for declaration and other reliefs with false and frivolous allegations. That while pending suit the respondent filed contempt application and after the argument, this court passed order to obey the direction of this court, the petitioner did not alter any basic structure in the suit property. But the respondent alone confusing regarding the suit property namely 7.5 cents. In fact, the petitioner's church already purchased two items of the property to the extent of 0.12 cents in two different sale deeds. The petitioner's church making some alteration in that 0.12 cents of land and not in the suit property. The petitioner and the Church are law-abiding citizens and they never violated any order passed by this court till this date.

2.2 The petitioner's church filed suit for declaration and other reliefs in respect of the present suit property and other properties before the Additional District Munsif Court, Vellore in O.S. No.86/2021 and the same was transferred to this court and admitted in O.S. No.37/2024. The suit property and other properties were completely fenced and properly maintained by Zion Pentecostal Church and the said Zion Pentecostal Church is still functioning in the suit property as per the expectation of the deceased Jeevarathinam, namely the settler of the suit property to the Zion Pentecostal Church. All the revenue records stand in the name of the Zion Pentecostal Church not in the individual name of the petitioner.

2.3 That as per the direction passed in the Transfer Petition, both the suit has to be tried jointly. Further, after filing the report filed by the Advocate Commissioner, this court was pleased to call the contempt application namely I.A. No.11/2024 to call along with the plaint. The petitioner is always ready and willing to get ready for the trial of the main suit. But, on the other hand instead of filing the proof affidavit in both the suits, they drag the main suit and connected suit, the respondent filed the proof affidavit in the contempt application with the reasons best known to him. The attitude of the respondent itself clearly shows that he has no case in his plaint and instead of proceeding the main suit, he wants to proceed with the contempt application without any valid reasons.

2.4 The respondent suppressed the entire real facts and filed the main suit against the petitioner as individual capacity with an intention to grab the church property for his own. The real facts are there is no access to the suit property. The suit property covered by the church other properties on the Eastern side, Western side and Southern side. A lot of encroachers on the Northern side of the suit property. So, it clearly shows that the respondent has given wrong particulars before this court.

2.5 The petitioner's original name is Emmanuel Paul. But the respondent wantonly mentioned the petitioner's name as Immanuel Paul. The Zion Pentecostal Church is one of the famous church in Vellore and it has many followers and believers more than 5000 families in Vellore and the surrounding

area. The church is continuously functioning for more than 60 years and frown with 10 branches all over Tamil Nadu.

2.6 That the respondent and his agreement holders, viz.Saravanan, Ramesh and Raghuraman all from Gudiyatham Town as per the fraudulent sale agreement dated 06.11.2019 in Document No.9694/2019 along with their henchmen causing frequent threat to the church situated in the suit property and their illegal act is totally against the interest of church and the suit property exists in the name of Zion Pentecostal Church and not in the individual name of the defendant.

2.7 The Zion Pentecostal Church was established nearly 60 years before the renowned Pastor Late.Rev.Nallaiah Aroan and in the year 1970 one of the ardent devotee of this church namely Jeevarathinam donated the suit property namely 0.7 1/2 cents in S.No.1777 by the way of registered Settlement Deed dated 12.06.1970 and handed over the possession of the said property to the Zion Pentecostal Church and the Zion Pentecostal Church also took possession of the suit property in pursuance of the above said settlement deed. The said property is the subject matter of both the suits.

2.8 Subsequently, the said Jeevarathinam sold the adjacent land measuring 5.5 cents to the Zion Pentecostal Church as per the registered sale deed dated 15.06.1970 in Document No.1601/1970 and handed over the possession of the said 5.5 cents land to Zion Pentecostal Church. Again the said Jeevarathinam sold the remaining land namely 1120 square feet vacant site in

same survey No.1777 to the Zion Pentecostal Church as per the registered sale deed dated 12.11.1971 and handed over the possession of the property to the Zion Pentecostal Church after the receipt of the valid consideration from the Zion Pentecostal Church. All the above said three documents acted upon and the Zion Pentecostal Church alone in peaceful possession and enjoyment of the suit property and other properties which has been purchased by the Zion Pentecostal Church from the said Jeevarathinam.

2.9 The suit property and other properties came under the absolute possession and enjoyment of the Zion Pentecostal Church and altogether properly fenced and especially the suit property which has been settled by the said Jeevarathinam as per the registered sale deed and the same has been properly used as per the settler wishes and the main Zion Pentecostal Church was built upon it and still performing prayers, worships, doing church related activities under the peaceful possession and enjoyment of the Zion Pentecostal Church and the plaintiff is very well aware of the same.

2.10 The settler Jeevarathinam clearly mentioned in his Settlement Deed dated 12.06.1970 that the suit property to be used for church activities, development or utilize for the growth of the Zion Pentecostal Church. As per his ambition the Zion Pentecostal Church is still functioning and in the above said Settlement Deed itself the said Jeevarathinam clearly mentioned that neither he nor his legal heirs have no right to interfere the suit property and mentioned that the above said Settlement Deed is religious purpose. After the

settlement deed, the said Jeevarathinam was an active member of the Zion Pentecostal Church and any problem did not occur till his lifetime and he was fully satisfied the Zion Pentecostal Church activities nearly about 19 years and then died on 22.03.1989 without any remark against the Zion Pentecostal Church.

2.11 That immediately after the demise of the said Jeevarathinam, the mother of power agent namely Kanaga Sundarai claiming herself as the wife of Late.Jeevarathinam and giving problem to the Zion Pentecostal Church and threatened the then superintendent Pastor Late.Rev.Nallaiah Aron that she is going to cancel the alleged settlement deed dated 12.06.1970 and grabbed namely Rs.5 Lakhs from the Zion Pentecostal Church and then executed two Power of Attorney Deed in favour of the Zion Pentecostal Church through her sons namely Premkumar and the present power agent Jacob Premanand signed as witness in that Power of Attorney Deed dated 31.03.1989.

2.12 That again on 28.08.1989 the present power agent Jacob Premanand and his brother Samuel Premraj executed another Power of Attorney Deed and in that deed the said Kanagasundari signed as witness and in the above said two Settlement Deeds they confirmed the earlier Settlement Deed dated 12.06.1970 which was executed by the Late.Jeevarathinam. The above said two Power of Attorney Deeds and Settlement given in favour of Zion Pentecostal Church during the tenure of Pastor.Rev.Nallaiah Arone are still in force.

2.13 That after the demise of the said Pastor.Rev.Nallaiah Arone, the defendant was elected as a President/Paster on 10.10.1993 by the members of the Zion Pentecostal Church and nearly 166 members participate in that meeting. The suit property belongs to the church and not the petitioner's separate property.

2.14 That from the year 1989 to till 2009 the said Kanagasundari and the present power agent Jacob Premanand and his brother Samuel Premraj kept quite till the demise of Pastor.Rev.Nallaiah Aron and after the demise of the Pastor.Rev.Nallaiah Arone, the above said persons commenced habitual money extraction and hatched a plan of threatening the succeed chief Pastor of the Zion Pentecostal Church and finally the said Kanagasundari unlawfully, illegally and fraudulently wrote and registered cancellation of her husband's Settlement Deed after the demise of her husband Jeevarathinam on 27.05.2008 in that cancellation deed, the respondent Wilson is one of the witness.

2.15 That till the lifetime of Late.Jeevarathinam, he did not find any fault against the Zion Pentecostal Church and after the lifetime of Late.Jeevarathinam, his legal heirs did not have any locos standi to cancel the alleged Settlement Deed dated 12.06.1970 nearly after 38 years without including other legal heirs of the deceased Jeevarathinam. The said cancellation deed is void document and the same will not acted upon. It is barred by limitation.

2.16 That the said Jeevarathinam died leaving behind his 5 surviving legal heirs namely three sons 1.J.Premkumar, 2.J.Samual Raj, 3.J.Jacob Premanand and a daughter Prema and wife Kanagasundari. In fact, the wife of deceased Jeevarathinam and other legal heirs have no right to cancel the alleged settlement deed dated 12.06.1970. So, it is time barred one. The above said illegal act of cancelling the Settlement Deed dated 12.06.1970 by cancellation deed using the contradictory version of her husband by stating fake and imaginary reasons. The said Kanagasundari and her children have no right to cancel the alleged Settlement Deed dated 12.06.1970.

2.17 That without having possession of the suit property, the said Kanagasundari fraudulently executed a registered sale deed dated 31.03.2009 in Document No.2875/2009 in favour of the respondent through her Power of Attorney Agent Rufus Cornelius. In fact, till this date, the said Zion Pentecostal Church is continuously functioning in the suit property. Further, no revenue records found in her name and she was not in possession of the suit property till this date and even at the date of execution of the above said fraudulent sale deed dated 31.03.2009. But, she colluding with the respondent having tainted intention either to illegally usurp or extract money from the defendant or Zion Pentecostal Church with the reasons best known to them.

2.18 That once again the respondent entered another fraudulent sale agreement on 06.11.2019 in Document No.9694/2019 with one Saravanan, Ramesh and Raghuraman without visiting the suit property. Because, the suit

property is situated within the Zion Pentecostal Church compound wall. So, it clearly shows that the respondent, his power agent and the fraudulent sale agreement holders have tainted intention to extract money from the Zion Pentecostal Church and they registered the above said alleged forged sale agreement dated 06.11.2019. In fact, the revenue records neither stands in the name of the present respondent Wilson nor his alleged forged vendor Kanagasundari. So, it clearly proved that the respondent and their unlawful assembly having political and monetary power with the concern office and registered the above said forged Sale Deed dated 31.03.2009 and forged sale agreement dated 06.11.2019.

2.19 That the suit property and other properties were completely fenced and properly maintained by the Zion Pentecostal Church and the said Zion Pentecostal Church is still functioning in the suit property as per the expectation of the deceased Jeevarathinam, viz. the settler of the suit property to the Zion Pentecostal Church. All the revenue records stand in the name of the Zion Pentecostal Church, not in the individual name.

2.20 That the respondent has misconceived his remedy and come forward with this vexatious suit on false, imperfect and untrue particulars. As per the documents filed by the plaintiff, there is no prima facie in his favour, because all the documents have been created one and suppressed the defendant's title. Hence, the suit is liable to be rejected.

2.21 That the respondent is not an authorized person to file the present suit before this court without impleading the legal heirs of the deceased Pastor Rev.Nallaiah Arone or the Zion Pentecostal Church. Because, the said Jeevarathinam donated the suit property to the church, namely 0.7 1/2 cents in S.No.1777 by way of the registered Settlement Deed dated 12.06.1970 and handed over the possession of the said property to the Zion Pentecostal Church. But, instead of impleading the Zion Pentecostal Church or the legal heirs of the deceased Pastor Rev.Nallaiah Aron, the suit itself is not maintainable for want of proper cause of action.

2.22 That Kanagasundari has no right to cancel the alleged Settlement Deed dated 12.06.1970 by way of Cancellation of Deed dated 27.05.2008 nearly after 38 years. On this ground alone, the plaint ought to be rejected in limine. The suit is manifestly and meritless. It is therefore prayed to reject the plaint with cost of the petitioner.

3. The brief averments of the Counter is as follows :

3.1 The application is not at all maintainable either in law or on facts. The statement made by the petitioner that defendant's church purchased two item of the property to the extent of 0-12 cents in two different sale deeds, petitioner/defendant's church making some alteration in the 0-12 cents of land and not in the suit property are not only false but an intentional, malicious, falsehood and a wrong, misleading representation made intentionally before this court, that's why the petitioner could not able to whisper or mention the date of

the sale deeds and document number, it is also wrong to say that the petitioner is superintend pastor of the church. The superstructure raised and constructed in the suit property illegally and without any building approval and sanction of the concerned authority. It is the petitioner how intentionally causing delay and to avoid the contempt proceedings filed the present false, frivolous application intentionally to avoid the examination in the contempt proceedings. The petitioner after passing an order of status duo raised and constructed superstructure by violating the court order, hence by filing with photo and video evidence contempt petition is filed, by apprehending the result in the contempt proceedings filed the present application without examining the P.W.1 to by-pass the stage and to cause considerable delay to the further proceedings.

3.2 It is true that Mr.Jeevarathinam settled 0-71/2 cents of land with a specific covenant to construct church in the land through a registered settlement deed dated 12.06.1970 vide Document No.1572/1970, settled the property to one Nallaiah Arone (who started individual church in the name and style as Zion Pentecostal Church) in said settlement the settler made it clear that by imposing a specific covenant to construct a church in the property and to carryout religious activities, it is specifically emphasized in the settlement deed that on violation of the covenant the settler himself or his legal heirs have right to cancel/revoke the settlement deed dated 12.06.1970. The suit schedule property is situated in the industrial slum area on the bound of Palar river, when the old bridge was collapsed and the bus route was diverted, the area was

isolated and occupied by the anti social activists, elements, due to the reason members of the church hesitated to attend the meetings and religious prayer, Pastor Nallaiah Arone revealed the same and requested Jeevarathinam to arrange for some other place for construction of church, as per the request made by Nallaiah Arone, Jeevarathinam arranged a place near New Bus Stand to Sathuvachari Collectorate Road, near Susee Cars, Ganesh Motors building, since Mr.Jeevarathinam and Mrs.Jeevarathinam donated lands for more than four churches Nallaiah Arone asked to execute a sale in favour of church for nominal, meager value, a new church was constructed on 01.09.1984, after construction of new church near Ganesh Motors in Collector Office Road, suit property was not used for any activities including church and religious activities since from the date of grand, the suit property remained forsaken place for several decades and not used for any religious prayer, ceremonies, etc., the petitioner/defendant is not a clergymen or priest in the strict since, when Immanuel Paul/the defendant proclaimed himself as pastor and illegally and anti theologically took power and control over the affairs of the church, alienated properties of Zion church branch properties at Chittoor, Alamelurangapuram, etc. and spend the sale consideration ravishly for his personal desire and gain, when the defendant Immanuel Paul trying to sell the suit property respondents vendor cancelled the settlement deed executed by her husband Jeevarathinam through cancellation deed dated 27.05.2008 (Document No.5985/2008), then petitioner/defendant Emmanuel Paul filed a civil suit O.S.

No.79/2009 on the file of District Munsif at Vellore for declaration of title and challenging the cancellation deed dated 27.05.2008 the suit was undervalued, since the aforesaid court is not having pecuniary jurisdiction the case was returned and represented before the District Court and taken on file and renumbered as O.S. No.40/2015 even before enquiry in the DMC court O.S. No.79/2009 and in O.S. No.40/2015 defendant admitted that there is no church constructed in the suit property and he could not give proper explanation and documents about his locus standy to the suit and right to represent the church, the suit O.S. No.40/2015 was dismissed on 22.02.2017 for the first time and again on 18.04.2017 and once again on 29.11.2017, restoration application also dismissed against the order Civil Miscellaneous Appeal C.M.A. No.1751/2018 was preferred after contest the Hon'ble High Court of Madras dismissed the C.M.A. No.1751/2018 on 17.12.2020. The defendant is a third party in respect of the suit property, has no right, now trying to take possession of the suit property by illegal means. As mentioned in Para-9, Jeevarathinam did not execute any such deed in favour of the church in the year 1971, the same is utter false one, in the name of religion and taking advantage of the religious faith of Jeevarathinam and by undue influence deeds were created.

3.3 The petitioner has no locus standy to represent the church, he is not a clergymen or a pastor, even the plain perusal of the case O.S. No.37/2024 no wherein in his plaint the petitioner stated that when he was elected as Pastor, no document was filed to show that he is a Pastor. The averments contain in Para

Nos.10 to 24 are only a reproduction of the written statement.

3.4 The petition is premature and without any scope and understanding the narrations underlying in the provision Order VII Rule 11, were the person in whose name the property is held is a trustee or other person standing in the fiduciary capacity and the property is held for the benefit of another person for whom he is trustee or towards whom he stands in such capacity, the respondent clearly mentioned in his plaint about the transactions took place and appoint and creation of agency. In every application filed under Order 7 Rule 11 the ingredients and the averments contained in the plaint alone can be considered. The petitioner filed the application to reject the plaint at the stage of cross of P.W.1 in the contempt proceedings, he came up with a frivolous application to cause delay and latches to the stage proceedings of the case. The main contention of the application is to cause delay so that the petitioner may postpone the cross examination and to avoid further proceedings in the contempt application, the hidden intention of the application is to avoid passing an order against the petitioner in the contempt proceedings.

3.5 If the suit is allowed to contest the respondent is having great chance to prove that the suit property was purchased by the plaintiff, having interest, clear title and right in the suit property as such the application to reject the same without disclosing acceptable genuine cause and reason is not at all maintainable.

3.6 The provisions are very clear under Order 7 Rule 11 only the plaintiff's averments have to be observed, where it does not contain cause of action Order 7 Rule 11(a) where it appears from the statement in plaintiff to be barred by any law under Order 7 Rule 11 (d) or where the reliefs undervalued under Order 7 Rule 11(b) the petitioner does not understand the provision and its scope filed the petition to cause intentionally delay and laches.

3.7 No one should be permitted to take advantage from his own cause "nemo commodum capere potest de injuria sua propria" the petitioner did not cross examine the respondent in the contempt application and did not whisper about his locus standi in his written statement, only with a wicked intention filed the present application to drag on the time and cause delay and laches. There is no merit in the application and the same is liable to be dismissed.

4. Now the Point is to be decided that, **whether this petition is to be allowed or not?**

5. **Point:**

Both side arguments heard. Records perused.

5.1 The learned counsel for the petitioner contended that the respondent is not an authorized person to file this suit without impleading the legal heirs of the deceased Pastor Rev.Nallaiah Aron or the Zion Pentecostal Church. Further contended that Tmt.Kanagasundari has no right to cancel the alleged settlement

deed dated 12.06.1970 by way of the Cancellation Deed dated 27.05.2008 nearly after 38 years, so the suit itself is not maintainable for want of proper cause of action and the respondent cleverly drafted the suit so as to bring it within the limitation and prayed to allow the petition under Order 7 Rule 11 thereby rejecting the plaint.

5.2 The learned counsel for the respondent contended that the petitioner has no locus standi to represent the church, he is not a clergymen or a Pastor, even the plain perusal of the suit O.S. No.37/2024, nowhere in his plaint that the petitioner was elected as a Pastor, no document to show that he is a Pastor, the petitioner is a third party in respect of the suit property has no right, now trying to take possession of the suit property by illegal means and to drag the suit endlessly without any merit the petition is filed, the petition devoid of merits, no ingredients to attract Order VII Rule 11 CPC to reject the plaint and prayed to dismiss the petition.

5.3 The **Order VII Rule 11 CPC, Rejection of plaint reads as follows:-**

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 written upon proper 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.

Provided that the time fixed by the Court for the correction of the valuation of supplying of the requisite stamp-papers shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

5.4 In order to consider Order VII, Rule 11 the court has to scrutinize the averments in the plaint, the pleas taken by the petitioner either in the petition or in written statement are wholly irrelevant and the matter is to be decided only in the plaint averments. It is not required to take into consider the defence set up by the defendant in his petition. The question whether the plaint discloses any cause of action and whether it is barred by any law is to be decided by looking at the averments contained in the plaint and not the defence set up by the

petitioner in the petition. The probable defence cannot be looked into the stage of rejection of plaint.

(i) The Hon'ble Supreme Court in **2022 LiveLaw (SC) 963** between **Gurdev Singh Vs Harvinder Singh**, held that

"The case on behalf of the petitioner is that the plaintiff is not entitled to any relief in the suit. The aforesaid cannot be a ground to reject the plaint at the threshold in exercise of powers under Order 7, Rule 11 CPC."

(ii) The Hon'ble Supreme Court in **MANU/SC/0828/2023** between **G.Nagaraj and Ors. Vs B.P.Mruthunjayanna and Ors.**, held in paras 6 and 9 that

"6. The law is well settled. For dealing with an application under Rule 11 of Order VII of Code of Civil Procedure, only the averments made in the plaint and the documents produced along with the plaint are required to be seen. The defence of the Defendants cannot be even looked into. When the ground pleaded for rejection of the plaint is the absence of cause of action, the Court has to examine the plaint and see whether any cause of action has been disclosed in the plaint.

9. We are of the view that merely because there were some inconsistent averments in the plaint, that was not sufficient to come to a conclusion that the cause of action was not disclosed in the plaint. The question was whether the plaint discloses cause of action. As observed earlier, the plaint does disclose cause of action. Whether the Appellants will ultimately succeed or not is another matter."

5.5 The suit filed by the respondent for the relief of declaration of title with a consequential relief of mandatory injunction and permanent injunction

on the basis that the plaintiff S.Wilson is the absolute owner of the property by way of purchase vide Document No.2875/2009 dated 31.03.2009. On perusal of the plaint it reveals the plaintiff purchased the properties from Jeevarathinam via Registered Sale Deed from then onwards the plaintiff is in exclusive possession of the property. The defendant being a third party in respect to the suit property without having any legal right trying to take possession of the suit property by illegal means and illegally trespassed into the suit property built up a superstructure.

5.6 It is the case of the plaintiff that the petitioner is a third party, he is not an elected person or pastor. The petitioner is not entitled to claim full right over the suit schedule property. On bare perusal of the plaint it reveals cause of action for the suit which filed by the plaintiff. The petitioner also filed the suit O.S. No.40/2015 for the relief of declaration of title challenging the cancellation deed dated 27.05.2008, Document NO.5985/2008 which was dismissed on 22.02.2017, 18.04.2017 again on 29.11.2017 against which the restoration dismissal order the petitioner preferred C.M.A. No.1751/2018, it also dismissed on 17.12.2020 by the Hon'ble High Court. The petitioner relieves whether the plaintiff is an authorized person to file the suit without impleading legal heirs of the deceased pastor Rev.Nallaiah Aron or the Zion Pentecostal Church, whether Tmt.Kanagasundari has got any legal right to cancel the alleged settlement deed dated 12.06.1970 by way of cancellation deed dated 27.05.2008 are all triable issues to be decided after a full fledged trial, not by way of rejection of plaint

petition.

5.7 The petitioner is not left without remedy, this court already on 08.04.2025, my predecessor in this regard framed Issue No.1, 2 and 3 covering the authorization aspect, barred U/s.10 and 11 of C.P.C. and barred by limitation.

5.8 For the purpose of invoking Order 7 Rule 11 (d) of the C.P.C., no amount of evidence can be looked into by the court. The issues on merit of the matter which may arise between the parties would not be within the realm of the court at this stage. All the issues shall not be the subject matter to be decided in the rejection of plaint petition. The question involving a mixed question of law and fact which may required not only examination of the plaint, but also other evidence and the disputed question cannot be determined at this stage. This court cannot go into the merits of the case at this stage and has to make its determination only from a scrutiny of the averments made out in the plaint and more significantly the plaint is presumed to be true. If a suit fails to disclose a valid cause of action or is barred by any law, then Order 7 Rule 11 powers can be invoked. On bare perusal of the plaint prima facie cause of action exists. In this stage, the court cannot conduct rowing enquiry to find out whether the plaint averments claiming the suit was in time are true or false. Also the strength or weakness of the plaintiff's case cannot be seen at this stage. Cause of action is a bundle of facts which implies a right to sue. Also the petitioner failed to establish that there is no legally sustainable cause of action arose in the

plaint. On perusal of the plaint, the averments are sufficient to prove that there is a cause of action and for this court there is no necessity to decide as to whether the cause of action stated in the plaint is true and correct.

5.9 For the reasons discussed above, this court is of the considered view that there are triable issues arose in the suit, cause of action also exist, the petition averments is not sufficient to invoke Order VII Rule 11 CPC, to reject the plaint, since the ingredients mentioned in the Order VII Rule 11 CPC is not made out in the petition and the petition is liable to be dismissed.

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

Dictated to Steno-typist directly, typed by her through computer, corrected and pronounced by me in open court, this the 30th day of January, 2026.

**Additional District Judge (FTC),
Vellore.**

Annexure : Nil

**Additional District Judge (FTC),
Vellore.**