



A.No.2882 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 11.08.2025	PRONOUNCED ON 27.10.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.2882 of 2025

in

C.S.No.58 of 2025

K.Mohideen

... Applicant/ First Defendant

vs.

1.M/s.Sri Kakumani Authikesavulu Chetty's Charities,

Represented by one of its Trustees,

P.Viswambhar, aged 57 years

No.105, Narayana Mudali Street,

Chennai – 600 001.

... First Respondent/ Plaintiff

2.K.Sathyanarayana

3.K.C.Saraswathi

4.K.C.Dinesh Samraat

5.K.C.Sarmada

6.G.Geetharani

7.K.Sathyadevan

8.S.Praveen Kumar

9.Kuppam Umamaheswari

10.V.Muralidhar Rao

11.V.Ajith Kumar

12.V.Ram Mohan Rao

13.C.Geetha

14.V.Venkateshwar Rao

15.V.Uma Devi

16.V.Rajkumar



17.Deepika

... Respondents 2 to 17/ Defendants 2 to 17

For Applicant : Mr.T.T.Ravi Chandran
for Mr.N.Ganesh

For Respondent : Mr.A.Palaniappan for R1

ORDER

The present Application had been filed to reject the plaint in above C.S.No.58 of 2025 in the interest of justice on the basic of the grounds stated in the application.

2. Heard Mr.T.T.Ravi Chandran, learned counsel appearing for Mr.N.Ganesh, learned counsel for the Applicant and Mr.A.Palaniappan, learned counsel appearing for the first respondent.

3. Mr.T.T.Ravi Chandran, learned counsel appearing for the Applicant would submit that the plaint as framed by the first respondent/ plaintiff is liable to be rejected under Order VII Rule 11 (a), (b) & (d).

4.The suit lands having been the gramma natham lands, it is necessary that the Government who is the authority to grant patta in such lands should be



made a necessary party to the suit. He would further submit that the ingredients as found in the Section 6 of the Specific Relief Act, 1963 is not in made the plaint. When the suit had been filed for recovery of the immoveable property by invoking the said Provision injunction cannot sought as ancillary relief. He would further submit that the suit property has also been under valued and has not been valued as per the relevant Provisions of the Stamp Act and therefore, would seek this Court to reject the plaint as being hit by Order VII Rule 11 CPC.

5. Countering his arguments, Mr.A.Palaniappan, learned counsel appearing for the first respondent would contend that the issues as raised by the applicant to reject the plaint do not fall within the Provisions of Order VII Rule 11 CPC. He would further submit that whether the ingredients had been made out in the plaint is a question of fact which could only be decided only in the trial and not in the application. He would submit that the suit had been filed within 6 months from the date of dispossession of the first respondent/ plaintiff and such dispute to dispossession can also be only decided after the trial had been completed.



6. He would further submit that the suit had been properly valued and not as claimed by the applicant. If the Court finds that the suit has not been properly valued, the plaint could not be rejected and the applicant would be called upon to pay the difference in stamp duty and for that reason. He would submit that the application filed by the applicant to reject the plaint is devoid of merits and therefore, liable to be dismissed. The other grounds raised are particularly with regard to the possession of the property. When that being so, the same could also only be decided during the final arguments after the trial has been completed in the suit and therefore, he prays this Court to dismiss the application.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

8. The claim made by the applicant to reject the plaint is predominantly on the ground that the ingredients of Section 6 has not been made out, stamp duty has not been made, non-joinder of parties and possession of the property. It is to be noted that with regard to the claim made by the applicant to reject the plaint cannot be dealt with on the stage of an application.



9. A reading of the plaint would indicate that the plaintiff had made pleadings with regard to his right to invoke Provisions of Section 6 of Specific Relief Act, 1963, the valuation, dispossession of the suit scheduled property. When necessary averments had been made in the pleadings, disputes raised by the applicant cannot be a reason to reject the plaint as it is a well established principle that while rejecting the plaint, the pleadings in the plaint alone had been looked into and nothing else.

10. On a perusal of the plaint as stated above, necessary pleadings are there to maintain the suit. The contentions raised by the applicant can all be decided by framing necessary issues with regard to the same and be decided during the final arguments on the basis of the evidences that had been led by the respective parties.

11. For the aforesaid reasons, I do not find any merits in the application and accordingly, the application stands dismissed. However, there shall be no order as to costs.



Index : Yes / No
Internet : Yes / No
Gba

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K.KUMARESH BABU.J.,

Gba

Pre-Delivery Order in
A.No.2882 of 2025
in
C.S.No.58 of 2025

27.10.2025