



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. Nos.3040 & 3046 of 2025

and CMP. No.17062 & 17075 of 2025

CRP. No.3040 of 2025

1.Alaudheen

2.Riyaz Mohammed

... Petitioners

Vs.

Rasu

... Respondent

CRP. No.3046 of 2025

Ziyaudheen

... Petitioner

Vs.

Rasu

... Respondent

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decretal orders dated 18.03.2205 passed in I.A. Nos.436 & 437 of 2022 in O.S. No.208 of 2022 on the file of the I Additional Sub Court, Villupruam.

For Petitioners : Mrs.R.Meenal in both CRPs

For Respondent : Mrr.N.Manokaran in both CRPs

COMMON ORDER



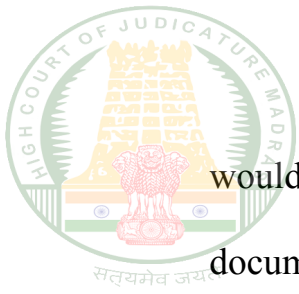
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The defendants in a suit for declaration of title and other consequential relief have chosen to seek rejection of the plaint by filing two separate Applications, one set of Application being taken out by the defendants 1 and 3 and one Application taken out by the second defendant, both Interlocutory Applications under Order VII Rule 11 came to be dismissed by the Trial Court, as against which the present revisions have been filed by the petitioners.

2. I have heard learned counsel for the petitioners Mrs.R.Meenal and Mr.N.Manokaran, learned counsel for the respondent/plaintiff.

3. The learned counsel for the petitioners Mrs.R.Meenal, would state that the plaintiff had no cause of action for filing the suit since the property had already been settled to the son of the original owner of the property. It is admitted by the plaintiff himself and the Trial Court has erroneously dismissed the Applications for rejection of plaint finding that all these issues could be decided only after the parties to lead and oral documentary evidence.

4. Mr.N.Manokaran, learned counsel for the respondent/plaintiff



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would submit that the plaintiff claims title under an independent set of documents and according to the plaintiff, the property under which the son and daughter in law claimed is not the entire property but it is a portion of the property that was originally owned by one Rasu Asari and it is only the remaining portion was purchased from the grandson of Rasu Asari viz., Kamalanathan by the respondent/plaintiff and therefore, it is the case of Mr.N.Manokaran, learned counsel for the respondent/plaintiff that there is no overlapping of the property and the suit for declaration has to be necessarily tried on merits and he would also point out that even in the affidavit filed in support of the Application for rejection of the plaint, no case is made out that from reading of the plaint which is the only test for invoking provisions of under Order VII Rule 11 CPC. He would therefore seek for dismissal of the revision petitions.

5. I have carefully considered the submissions advanced by the learned counsel for the parties and I have also gone through the orders of Trial Court dismissing the Applications for rejection of the plaint under Order VII Rule 11 CPC.

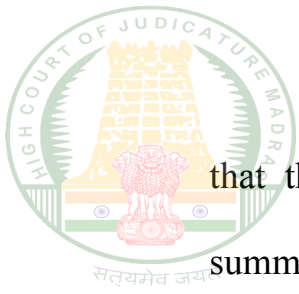
6. The respondent/plaintiff has sought to declare his title. It is the specific contention of the plaintiff that he has purchased the property for



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valuable consideration from the grandson of the original owner viz., Rasu Asari, in respect of property which was not covered by the earlier registered documents viz., settlement deed in favour of the son of Rasu Asari viz., Dhandapani.

7. On a reading of the paint, I find that the plaintiff has made specific averments and allegations in Paragraph Nos.2, 3 and 4 with regard to manner of acquisition of the property in his favour and based on the same, he seeks relief of declaration as well as permanent injunction. I am unable to see from the affidavit filed in support of the Application for rejection of the plaint as to how the said plaint is barred under any of the limbs of under Order VII Rule 11 CPC. The only ground appears to be is that no cause of action in the said suit in view of the property having already been settled in favour of the son Dhandapani, by his daughter in law Anjalashi even as early as on 1965 and that the settlement deed was also acted upon. However, when it is the specific case of the plaintiff even in the plaint, that it was only a portion of the property that was acquired by way of purchase and it is different from the property that is subject matter of the settlement deed, I do not find any case being made out for rejection of the plaint under Order VII Rule 11 CPC. The Trial Court has rightly dismissed the Application, finding



that the defendants are not entitled to seek rejection of the plaint in a summary manner, without the parties being directed to go for trial and establish their respective contention of trial.

8. In the light of the above, I do not find any infirmity in the orders passed by the Trial Court and accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous petitions are also dismissed.

08.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

The I Additional Sub Judge, Villupuram.

P.B.BALAJI.J.,

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