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A. No.4065 of 2025

in

C.S. No.127 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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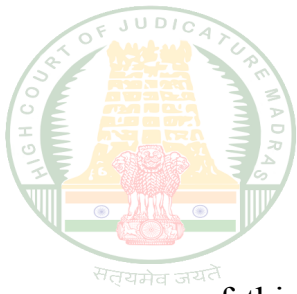
1. A. Abdul Thahir S/o. Abdul Hai
 2. A. Abdul Wajeed S/o. Abdul Hai
 3. A. Mohamed Idris S/o. Abdul Hai
 4. A. Mohamed Elias S/o. Abdul Hai
 5. A. Mohamed Mukthar S/o. Abdul Hai
- ... Applicants / Defendants

vs.

A. Nameera Parvin
D/o. Late A. Abdul Bari
W/o. Ahamed Kader Nawaz

... Respondent / Plaintiff.

PRAYER: Application filed under Order XIV, Rule 8 of the Madras High Court Original Side Rules read with Order VII Rule 11(a) of Civil Procedure Code praying to reject the Plaint in C.S. No.127 of 2025 pending on the file



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of this Court under Order VII Rule 11(a) of the Civil Procedure Code with

exemplary costs.

For Applicants : Mr. P. Solomon Francis

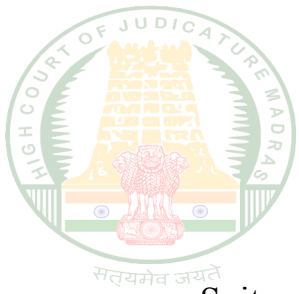
For Respondent : Mr. M. Madhu Prakash

ORDER

This application has been filed by the applicants / defendants to reject the Plaint in C.S. No.127 of 2025 pending on the file of this Court under Order VII Rule 11(a) of the Civil Procedure Code.

2. Brief averments of the application are as follows:-

The 1st applicant is the 1st defendant in the main Suit. The respondent / Plaintiff herein has filed the main Suit with false allegations and the Suit is barred by law. The respondent / Plaintiff has no locus standi to maintain the Suit and there is no cause of action. The respondent / Plaintiff has filed the



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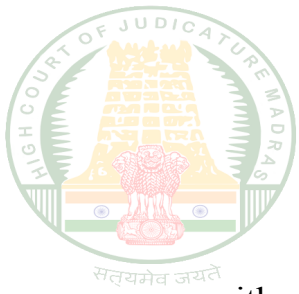
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Suit with malafide intention on the false premise that she is the only daughter and legal heir of the deceased. In fact, the deceased A. Abdul Bari and all the applicants / defendants are the blood brothers and sons of late Abdul Hai. The respondent / Plaintiff is the biological daughter of the 1st applicant / defendant and is therefore, the paternal niece of the deceased Abdul Bari. In fact, late Abdul Bari died without any children on 28.01.2023 and his wife Mrs. Jaina Beevi had predeceased him on 03.06.2020. In an attempt to usurp the estate of late Abdul Bari, the respondent / Plaintiff has fabricated documents and filed the Suit, falsely portraying herself as the sole surviving legal heir of the deceased, while deliberately suppressing the material facts and failing to disclose the true legal heirs i.e., applicants / defendants. Even as per the Plaint, the respondent / Plaintiff relied upon the Deed of Hiba dated 30.09.2021, but the same is forged and fabricated document. The deceased Abdul Bari did not execute any such Hiba during his lifetime. The alleged gift is incomplete and legally unenforceable, as the deceased Abdul Bari

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neither divested himself of ownership nor delivered possession of the subject

matter to the respondent / plaintiff. Therefore, the respondent / Plaintiff has

no locus standi either directly or indirectly to interfere with out absolute,

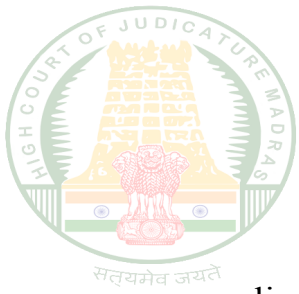
lawful, continuous and peaceful possession and enjoyment of the subject

matter properties and businesses. Therefore, there is no cause of action for

the Suit and the Suit is not maintainable and liable to be rejected.

3. **Brief averments of the counter are as follows:**

The averments in the application seeking rejection of Plaint do not fit it to any of the categories as contemplated under Order VII Rule 11 of Civil Procedure Code. To invoke Order VII Rule 11 of Civil Procedure Code, the Court can look into only the averments made in the Plaint and at the highest, the documents produced along with the Plaint. The defence of a defendant and documents relied upon by him cannot be looked into while deciding with an application seeking rejection of Plaint. In the present application, the



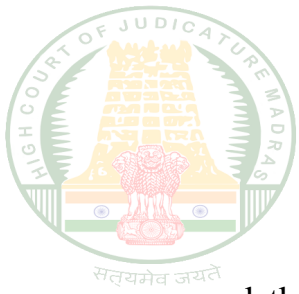
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applicants / defendants are trying to stress upon the documents produced by them and seek rejection of Plaint, the same is impermissible. The present case does not fall under any of the categories as stipulated under Order VII Rule 11 of Civil Procedure Code. The applicants / defendants have raised disputed questions of fact and seek rejection of the Plaint and the same is impermissible in law. The averments in the application are triable and the allegation of suppression of fact, misrepresentation or even fraud cannot be a ground for rejection of Plaint. Therefore, the application is liable to be dismissed.

4. The learned counsel appearing for the applicants / defendants would submit that the respondent / Plaintiff, by suppressing the material facts, filed the Suit, without any cause of action and the alleged cause of action is false. The respondent / Plaintiff relied upon a Deed of Hiba and filed the Suit, but the said Hiba has not been executed as alleged by the respondent / Plaintiff



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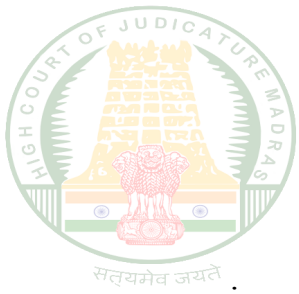
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and there is no real cause of action and therefore, the Plaint is liable to be rejected.

5. The learned counsel appearing for the respondent / Plaintiff would submit that the allegations levelled in the Plaint are triable and there are no ingredients to attract any one of the conditions under Order VII Rule 11 of Civil Procedure Code to reject the Plaint and the applicants had questioned the cause of action, which needs elaborate trial. Therefore, the application is liable to be dismissed.

6. Heard both sides and perused the materials.

7. The applicants have filed the application to reject the Plaint on the ground that there is no cause of action for the Suit and the Plaintiff has



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misrepresented and forged the documents. It is well settled law that for

deciding the petition filed to reject the plaint, the averments in the Plaint and

the documents supported the Plaint alone have to be looked into. As per the

Plaint, there is a specific pleading in respect of cause of action. The fact that

whether the said cause of action is true or not has to be decided after trial.

8. At this juncture, the learned counsel appearing for the respondent /
Plaintiff has relied upon the following Judgments:-

(i) *R. Arumugam vs. Pr. Palanisamy in S.A. No.711 of 2009.*

(ii) *Pandurangan vs. T. Jayaram Chettiar and another in Civil
Appeal No.7743 of 2025 arising out of SLP (C) No.18230 of 2025.*

(iii) *P. Kumarakurubaran vs. P. Narayanan and others in Civil
Appeal No.5622 of 2025.*

On a careful perusal of the above said judgments, it is clear that if the



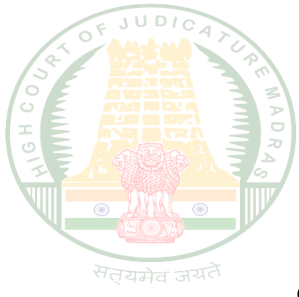
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Plaint discloses the cause of action, such assertions cannot be rejected in the application under Order VII Rule 11 Civil Procedure Code and if a Plaintiff discloses a cause of action, which cannot be shut out at the threshold. As far as the scope of Order VII Rule 11 is concerned, the law is well settled that the Court can look into only the averments in the Plaintiff and at the highest, the documents produced along with the Plaintiff. The defence of a defendant and documents relied upon by him cannot be looked into while deciding such application. In the case on hand, the applicants / defendants filed this application to reject the Plaintiff on the ground that no cause of action, but in the Plaintiff, cause of action has been specifically pleaded and the same to be decided after full trial. Further there are pleadings in respect of fraud, misrepresentation and the Hiba. Those allegations cannot be looked into at this stage in this application. Therefore, this application has no merits and deserves to be dismissed.



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9. Accordingly, this application is **dismissed**. There shall be no order
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