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CRP No.5730 of 2025



DATED: 18-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5730 of 2025 and
CMP No.28534 of 2025**

S.Gunasundari

... Petitioner(s)

Vs.

- 1 . Ajitha Virjileus
- 2 . K.Gomathi
- 3 . R.Ramasubramaniam

4 . The District Collector,
Singaravelar Maligai,
Chennai District.

5 . The Thasildar, Ambattur Taluk,
MTH Road, Gandhi Nagar,
Ambattur, Chennai-53.

6 . The Sub Registrar,
Office of the Sub Registrar,
Ambattur, Chennai 600 053.

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 08.10.2025 in I.A.No.4 of 2022 in O.S.No.129



of 2020 passed by the learned District Munsif, Ambattur by allowing the civil revision petition.

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For Petitioner : Mr.S.C.Pratheep Ashok Kumar

For Respondent(s) : Mr.V.Ramesh, Government Advocate
for R4 to R6.

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/first defendant seeking rejection of plaint.

2. The first respondent/plaintiff herein filed a suit in O.S.No.129 of 2020 seeking declaration, declaring that the power of attorney deed dated 30.01.2020 executed by the first defendant in favour of the third defendant was null and void and also sought for permanent injunction restraining the defendants 1 to 3 from creating encumbrance or alienating the suit property and also from interfering with the peaceful possession of the plaintiff. The plaintiff further sought for permanent injunction against the official respondents from



registering document in respect of the suit property and also transferring patta in favour of third party, other than the plaintiff.

3 . The petitioner herein, who was arrayed as first defendant in the suit, filed the instant application, seeking rejection of the plaint, mainly on the ground that the second defendant created fraudulent power deed in her favour by obtaining the signature of the petitioner/first defendant fraudulently, at the time of execution of sale deed in favour of one Kumar, in respect of the property to an extent of 2312 sq.ft. out of 3983 sq.ft. After acquiring knowledge about the fraud committed by the 2nd defendant, the petitioner/first defendant cancelled the fraudulent power deed created by the 2nd defendant on 16.03.2018. However, after cancellation of power deed, there was a collusive sale deed executed by the 2nd defendant in favour of the plaintiff on 28.06.2018, who in turn executed a forged sale deed in 6th defendant's office on 06.07.2018. Therefore, denying the title of the plaintiff, the petitioner/first defendant filed the instant application seeking rejection of plaint on the ground that there was no cause of action for the plaintiff to file the suit as she did not acquire any title



under sale deed in her favour. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner/first defendant has come before this court.

4. The learned counsel for the petitioner/first defendant would contend that the fraudulent power deed created by the 2nd defendant in her favour was cancelled by the petitioner/first defendant as early as on 16.03.2018 and thereafter, by utilizing the canceled power deed, the suit property was conveyed to the plaintiff by the 2nd defendant. Therefore, the plaintiff did not acquire any title over the suit property and as a consequence of the same, she has no cause of action to file the suit.

5. It is settled law that while considering a petition to reject the plaint, the court is only guided by the averments found in the plaint and plaint documents and the court cannot rely on the documents produced by the defendant. In the case on hand, the petitioner/first defendant wants to rely on the cancellation of



power deed executed by her to attack the sale deed executed in favour of the plaintiff. But, in a petition filed under Order VII Rule 11 CPC, the court

cannot take into consideration the documents produced by the first defendant to reject the plaint. Therefore, the Trial Court rightly found that there was a cause of action for the plaintiff to file the suit, based on the averments found in the plaint and plaint documents and dismissed the application filed by the petitioner.

I do not find any illegality or irregularity to interfere with the above said order.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

Internet: Yes

18.11.2025

Index: Yes

Neutral citation: Yes/No

MST

To

The District Munsif, Ambattur.



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S.SOUNTHAR, J.

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