

A.S.(MD)No.212 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 21.01.2025

PRONOUNCED ON:30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

A.S.(MD)No.212 of 2024

1.Kunjamma
2.Poosammal
3.Thangavel
4.Subramani

:Appellants/Plaintiffs

Vs.

1.Manickam Pillai
2.Rathinam Pillai
3.Palaniappan
4.Kuzhandaivel
5.Palanisamy

: Respondents/Defendants

PRAYER:- Appeal Suit filed under Section 96 of the Code of Civil Procedure against the Judgment and Decree dated 05.04.2024, passed in O.S.SR.No.10444 of 2023, on the file of the Principal District Judge, Karur.



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For Appellants : Mr.R.Sundar Srinivasan

For Respondents : No Appearance

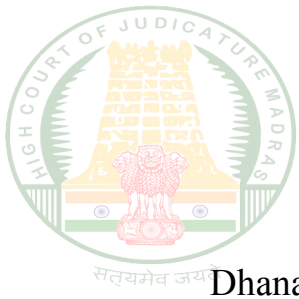
JUDGMENT

The Appeal Suit is directed against the order dated 05.04.2024, passed in O.S.SR.No.10444 of 2023, on the file of the District Court, Karur, in rejecting the plaint under Order 7 Rule 11 C.P.C.

2. The appellants as plaintiffs have filed a suit seeking the relief of delimitation and demarcation of the suit property of 2.00 Acres from the remaining extent in S.F.No.373/1A of Sinthalavadi Village, Krishnarayapuram Taluk, Karur District.

3. Despite the receipt of Court notice, the respondents 1 to 5 have not turned up.

4. The relationship as canvassed by the plaintiffs is that the plaintiffs and the fifth defendant are brothers and sisters and are the children of Rasu Pillai and Surumbayee, that Surumbayee's parents Ponnusamy Pillai and Pappammal had two sons viz., Panaiadian and



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Dhanakodi @ Vijaya Pillai and a daughter – Surumbayee, that the said Panaiadian had two sons namely Manickam and Rathinam – defendants 1 and 2 and that the said Dhanakodi @ Vijaya Pillai had two sons namely Palaniappan and Kuzhandaivel – defendants 3 and 4.

5. The case of the plaintiffs is that their grandfather Ponnusamy Pillai owned an extent of 8.36 Acres out of 12.57 Acres in S.F.No.373 of Sinthalavadi Village, the then Kulithalai Taluk and at present Krishnarayapuram Taluk, that the remaining extent of the said survey number property on the eastern side was owned by one Ganapathia Pillai Vagayara and that after sub-division, the land owned by Ponnusamy Pillai was given sub-division number as S.F.No.373/1A, whereas for Ganapathia Pillai Vagayara's land as S.F.No.373/1B.

6. It is the further case of the plaintiffs that the said Ponnusamy Pillai executed a registered settlement deed dated 12.05.1976 in respect of 3.20 Acres in favour of his grandsons – the defendants 1 and 2 and subsequently, he executed another settlement deed on 13.05.1976 in respect of 3.16 Acres of land in favour of his other two grandsons – defendants 3 and 4, that the said Ponnusamy Pillai had then executed

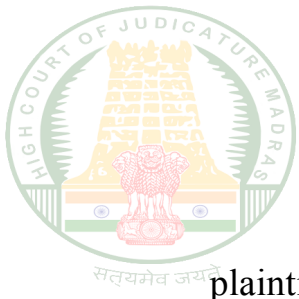


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another settlement deed on 22.08.1977 in respect of his remaining extent of 2 Acres in favour of his daughter Sirumbayee, that all the said three settlement deeds were duly executed, attested and registered according to law and the three settlements were accepted by the donees, that a joint patta came to be issued in favour of the said Sirumbayee along with other settlees and that the plaintiffs' mother Sirumbayee died intestate on 11.04.2018 leaving behind the plaintiffs and the fifth defendant as her legal heirs to succeed to her estate and as such, the plaintiffs and the fifth defendant have become owners and are in possession and enjoyment of the same.

7. It is the further case of the plaintiffs that there is no demarcation of the boundary or fence separation of the property from the property of the defendants 1 to 4, which are lying both on north and south of it, that the plaintiffs in the absence of any such demarcation or fencing, have been and are put to great hardship to identify the suit property according to the documents, that the plaintiffs had requested the defendants to put up boundaries to their respective properties and agreed to bear equal share in meeting out the expenses for making boundaries, but the defendants evaded hearing the request of the plaintiffs, that since the



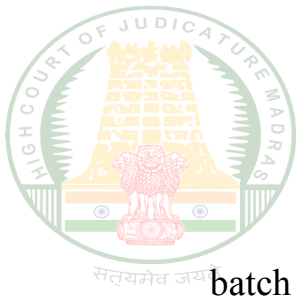
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plaintiffs are residing at Kavakkaran Patti, Namakkal Taluk, due to their avocation they could not protect their property without demarcation, that the defendant taking advantage of non-demarcation, they wanted to grab the suit property and that since there is no dispute on the west and east, the demarcation is required only on the south and north and that therefore, the plaintiffs were constrained to file the above suit.

8. The learned District Judge, at the pre-registration stage, upon perusing the plaint and the documents filed along with the plaint and on hearing the arguments put forth by the plaintiffs' side, by holding that the plaint does not disclose any cause of action for demarcation of the properties between the plaintiffs and the defendants, passed the impugned order rejecting the plaint under Order 7 Rule 11(a) C.P.C., Aggrieved by the impugned order rejecting the plaint, the present appeal came to be preferred.

9. The learned Counsel for the appellants would mainly rely on a judgment of this Court in ***Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited represented through its Project Director*** in a batch of civil revisions in C.R.P.(MD)Nos.915 of 2020 and



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batch cases, dated 16.07.2021 reported in **2021 SCC Online Mad 2514** and would submit that the Court Registry cannot investigate the merit of the cause of action at the time of numbering the plaint or adequacy of pleadings and that the learned District Judge by entering into merits of the cause of action has exceeded his jurisdiction.

10. The learned Judge of this Court in the above decision dealt with the issues at the numbering of the plaint or other cases ie., at the pre-registration stage and at the beginning of the judgment listed out the grievances or complaints raised by the parties therein,

(1) When a plaint is presented before the Registry on the Original Side of the District Judiciary, the Registry while scrutinizing it for evaluating its merit for registration, raises baffling if not mindless objections, most of which may be relevant only for final adjudication and not for registering the plaint;

(2) The plaints are repeatedly returned for curing defects, with the Registry/Court raising its objections in installments;

(3) The plaints are not taken up for scrutiny for weeks or months and is neither taken on file nor returned for weeks to months on end.



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11. As rightly held by the learned Judge, there cannot be any piece meal returning of plaint and all the defects must be listed out while the plaint is returned for the first time. Similarly when a plaint is presented, the same has to be scrutinized and decided as to whether the same has to be taken on file or to be returned for rectifying the defects or reject the same within a reasonable period of 3 working days as fixed in the above decision.

12. The main aspect that came to be decided in the above judgment is that the numbering of plaint is only an administrative or ministerial function of the Registry of the District Judiciary and that the Registry at the pre-registraton stage of the plaint should confine scope of its scrutiny to the barest minimum which a ministerial act may require and the same does not call for any serious application of mind, because the defendant is not still before the Court and with no evidence before it, there is nothing to adjudicate either.

13. The learned Counsel for the appellants would rely on the following passages which deal with the cause of action:



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“26. [Sec.9](#) of the CPC makes it obligatory for a civil court to take cognizance of a suit of a civil nature unless its jurisdiction is barred either expressly or by necessary implication. There are two parts to it: First there must be a suit of civil nature – a suit where the existence of an enforceable legal right and its violation are alleged; and Second, the inherent jurisdiction of the Court to take cognizance of the same. The former deals with the cause for the action which is presented before the court in a plaint, and the latter concerns with the availability of the inherent jurisdiction in the Court to take cognizance of the cause of action so presented before it.

(a) Cause of action:

? It belongs to the plaintiff. The Court/Registry cannot investigate the merit of the cause of action at the stage of numbering the plaint or adequacy of pleadings. It has to merely presume and accept the pleadings as they are at that stage. This is however, subject to one exception: where the allegation in the plaint does not constitute a legally recognised right, then the Court may reject the plaint even at the preliminary stage: To illustrate, if the plaintiff pleads that she was married prior to the date of coming into force of [Sec.29-A](#) of the Hindu Succession Act (inserted Vide a Tamil Nadu Amendment which elevated all unmarried daughters as on the date on which the provision became operational as coparceners), and still seeks a right as a



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coparcener under the said provision, then the Court may reject the plaint. If however, she does not state anything about the date of her marriage, at the stage of numbering plaint, it is not the job of the Registry to insist on it, since it will then par-take the character of an adjudication; nor can it insist on any document evidencing marriage, for the Court or the Registry is not empowered to hold a trial at the preliminary stage, but are only required to verify if the check-list to be provided in the tabulation in paragraph 31 below.”

14. At the outset, it is essential to highlight the distinction between the case numbering procedures in the High Court and the District Judiciary. In the High Court, main cases and incidental cases are taken on file and numbered by Passing Officers, who are Section Officers in the filing section. If doubts arise regarding a case's maintainability, the Passing Officers place it before the concerned roster Judge. The roster Judge then decides whether to direct the Registry to take the case on file or list it for determining maintainability. In contrast, in the District Judiciary, all cases, from plaints to adjournment applications, undergo initial scrutiny by the Head Clerks/Sherishtadars, followed by approval from the Presiding Officer of the concerned Court, who alone has the



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authority to number cases. Notably, in the District Judiciary, Court officials lack the power to number cases. Conversely, in High Courts, Registry officials have administrative power to number cases but not judicial power to reject them.

15. At this juncture, it is necessary to refer the decision of the Hon'ble Supreme Court in ***P.Surendran Vs. State by Inspector of Police*** reported in ***2019 SCC Online SC 507*** also referred in the judgment referred supra and the relevant paragraphs are as follows:

*“9. The nature of judicial function is well settled under our legal system. Judicial function is the duty to act judicially, which invests with that character. The distinguishing factor which separates administrative and judicial function is the duty and authority to act judicially. Judicial function may thus be defined as the process of considering the proposal, opposition and then arriving at a decision upon the same on consideration of facts and circumstances according to the rules of reason and justice. A Constitution Bench of five judges in *Jaswant Sugar Mills Ltd., Meerut vs. Lakshmidhand and Ors.*, AIR 1963 SC 677, formulated the following criteria to ascertain whether a decision or an act is judicial function or not, in the following manner (1) it is in substance a determination upon investigation of a question*



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by the application of objective standards to facts found in the light of preexisting legal rule;

(2) it declares rights or imposes upon parties obligations affecting their civil rights; and (3) that the investigation is subject to certain procedural attributes contemplating an opportunity of presenting its case to a party, ascertainment of facts by means of evidence if a dispute be on questions of fact, and if the dispute be on question of law on the presentation of legal argument, and a decision resulting in the disposal of the matter on findings based upon those questions of law and fact.

(emphasis added)

10. The act of numbering a petition is purely administrative. The objections taken by the Madras High Court Registry on the aspect of maintainability requires judicial application of mind by utilizing appropriate judicial standard. Moreover, the wordings of [Section 18A](#) of the SC/ST Act itself indicates at application of judicial mind. In this context, we accept the statement of the Attorney General, that the determination in this case is a judicial function and the High Court Registry could not have rejected the numbering.

11. Therefore, we hold that the High Court Registry could not have exercised such judicial power to answer the maintainability of the petition, when the same was in the realm of the Court. As the power of judicial function cannot be delegated to the Registry, we cannot sustain the order,



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rejecting the numbering/registration of the Petition, by the Madras High Court Registry. Accordingly, the Madras High Court Registry is directed to number the petition and place it before an appropriate bench.

12. Having said so, we make it clear that we have not expressed any views on the nature of the amendment, the standard of judicial review and the extent of justiciability under [Section 18A](#) of the SC/ST Act, which is left open for the appropriate Bench to consider.”

16. In Selvaraj's case, referred supra, this Court referred to judgments indicating that numbering a plaint or application is ministerial. In ***K. Venkatesan vs. E. Hemantharaj*** reported in **2016 SCC Online 9462**, during a pending execution petition, judgment debtors filed an unnumbered application under Section 47 CPC. The Executing Court rejected it on merits. A learned Judge of this Court set aside the order, holding that if an application is rejected on maintainability grounds, merits should not be considered without numbering. The Court directed the Executing Court to number the application and proceed in accordance with law.



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17. In ***G.V.Vanitha & Others Vs. K.Dhanasekaran & Others*** reported in ***2016(5) CTC 329***, third-party petitioners in a rent control matter filed an application under Order 21 Rule 96 to 100 CPC. The Executing Court rejected it without numbering, finding their late-stage resistance was unjustified and instigated by judgment debtors. Upon challenge, the learned Judge set aside the order, noting that though the Rent Controller considered all aspects, the parties were not given an opportunity to present their case. The Court directed the Executing Court to number the petition and proceed in accordance with law.

18. In ***Srinivasan alias Balaji vs. Jayalakshmi alias Vidhya*** reported in ***2001-2-LW 527***, a husband's original petition for annulment of marriage was repeatedly returned, finally for lacking a specific cause of action paragraph. Upon challenge, a learned Judge of this Court held that if the petition contains all necessary facts and requisite contents as per the Rules, a separate cause of action paragraph is unnecessary. The Court set aside the order and directed the concerned Court to number the petition and proceed in accordance with law.



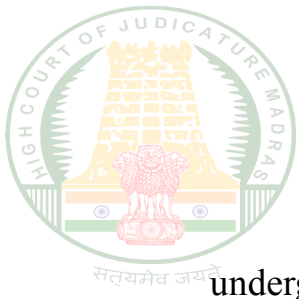
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19. In the aforementioned decisions, numbering of complaints was not involved. Instead, the first two decisions concerned Execution Applications rejected on merits rather than maintainability. The third decision involved a matrimonial petition returned for lacking a cause of action paragraph.

20. The Hon'ble Supreme Court in *Saleem Bhai and others Vs. State of Maharashtra and others* reported in *AIR 2003 SC 759* has specifically held that the Court can exercise the power under Order 7 Rule 11 C.P.C., at any stage of the suit – before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial.

21. Recently, the Hon'ble Supreme Court in *Shri Mukund Bhavan Trust and others Vs. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle and another* reported in *2024 Live Law SC 1041* has specifically observed that the spirit and intention of Order VII Rule 11(d) of CPC is only for the Courts to nip at its bud when any litigation ex facie appears to be a clear abuse of process and the Courts by being reluctant only cause more harm to the defendants by forcing them to



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undergo the ordeal of leading evidence and that they have held that the plaintiff is liable to be rejected at the threshold.

22. In the case of ***Dahiben vs Arvinbhai Kalyanji Bhanusali (Gajra)(D) through LRs., and others*** reported in ***AIR 2020 SC 3310*** the Hon'ble Apex Court has observed;

“the underlying object of Order VII Rule 11 (a) is that if in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11 (d), the Court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.”

23. It is also necessary to refer an earlier decision of the Hon'ble Supreme Court in ***T. Arivandandam vs T. V. Satyapal & Another*** reported in ***AIR 1977 SC 2421***, wherein while condemning the petitioner therein for the gross abuse of the process of Court repeatedly and unrepentantly resorted to, has observed

“From the statement of the facts found in the judgment of the High Court, it is perfectly plain that the suit now,



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pending before the First Munsif's Court, Bangalore, is a flagrant misuse of the mercies of the law in receiving complaints. The learned Munsif must remember that if on a meaningful-not formal-reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Or. VII R. 11 C.P.C. taking care to see that the ground mentioned therein is fulfilled. And, if clever, drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order X C.P.C. An activist Judge is the answer to irresponsible law suits. The trial court should insist imperatively on examining the party at the first bearing so that bogus litigation can be shot down at the earliest stage. The Penal Code (Ch. XI) is also resourceful enough to meet such men, and must be triggered against them. In this case, the learned Judge to his cost realised what George Bernard Shaw remarked on the assassination of Mahatma Gandhi "It is dangerous to be too good."



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24. In another judgment, the Hon'ble Supreme Court in ***Maharaj Shri Manvendrasinhji Ranjitsinhji Jadeja v. Rajmata Vijaykunverba*** reported in ***1998 SCC Online Guj 281***, while explaining the scope of Order VII Rule 11(a) C.P.C., has held that the said provision is mandatory in nature and if it is found that the plaint does not disclose a cause of action, the Court has no option but to reject the plaint and the relevant portion is extracted hereunder:

“Order 7, Rule 11(a) of the CPC is mandatory and if it is found that the plaint does not disclose a cause of action, the Court has no option but to reject the plaint. To find out whether a plaint discloses a cause of action or not, the Court has to look only to the averments made in the plaint. When a plaint is based on a document filed along with the plaint, it can, however, be considered to ascertain if plaint discloses any cause of action. Cause of action means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to judgment. The words “cause of action” mean the whole bundle of material facts which are necessary for the plaintiff to prove in order to entitle him to the reliefs claimed in the suit. What is to be done by the Court at the stage of deciding, as to whether the plaint discloses any cause of action or not is to find out from the allegation of the plaint itself as to whether a bogus, wholly vexatious or frivolous



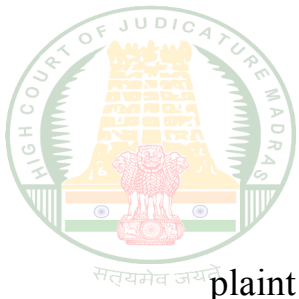
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litigation is sought to be initiated under the garb of ingenuous drafting of the plaint or not because it is the duty of the Court to guard against the mischief of a litigant misusing the process of court by entering into a false litigation merely for the purpose of harassing the other party and to nip in the bud the litigation which is sham and shabby in character. In order to find out whether the plaint discloses a cause of action or not, the averments made in the plaint and documents annexed thereto should be scrutinised meaningfully and if on such scrutiny it is found that the plaint does not disclose cause of action, it has got to be rejected in view of the provisions of Order 7, Rule 11(a) of the CPC. When it is said that the Court should take into consideration the averments made in the plaint for the purpose of deciding the question whether the averments made in the plaint disclose cause of action or not, it does not mean that the Court is precluded from applying the statutory provisions or case-law to the averments made in the plaint. If an assertion made in the plaint is contrary to statutory law or case-law, it cannot be considered as disclosing cause of action.”

25. In ***K.Akbal Ali Vs. Umarkhan and others*** reported in ***(2021)14 SCC 15***, the Hon'ble Supreme Court has specifically held that an application under **Order VII Rule 11 of the CPC** for rejection of the



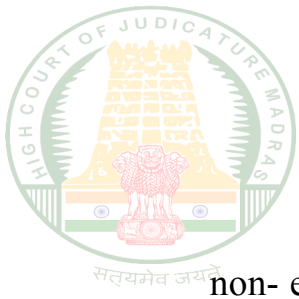
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plaint requires a meaningful reading of the plaint as a whole and also held that the provisions of Order VII Rule 11 C.P.C., are not exhaustive and the Court has the inherent power to see that frivolous or vexatious litigations are not allowed to consume the time of the Court.

26. In ***I.T.C. Limited Vs. The Debts Recovery Appellate Tribunal & others*** reported in ***AIR 1998 SC 634***, wherein, a breach of contract was projected before the civil Court as a classical fraud by the plaintiff. The Hon'ble Supreme Court, by observing that when there is no sufficient allegation of forged or fraudulent documents made in the plaint, the plaint can be rejected, reiterated the legal position that clever drafting creating illusions of cause of action are not permitted in law and a clear right to sue should be shown in the plaint and that the Court must see that the bar in law of the suit is not camouflaged by devious and clever drafting of the plaint.

27. A Division Bench of this court in ***M/S Cambridge Solutions Limited Vs Global Software Limited and others***, passed in OSA No. 4 of 2010 and OSA No. 317 of 2011 dated 28.09.2016, upon perusal of the plaint, by observing that the averments regarding fraud and collusion are

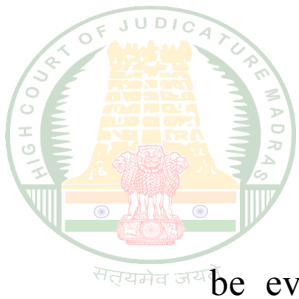


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non- existent and have been made only to sustain the suit, found that the plea of fraud is only illusory and reiterated the legal position that it is the duty of every trial court to carefully analyze whether the cause of action pleaded in the plaint is real or fictitious and in case it is found to be surreal, the plaint must be rejected at the threshold with costs.

28. In Dahiben' s case referred above, the plaintiff therein has filed the suit mainly claiming declaration that the sale deed dated 02.07.2009 is illegal, void ineffective and not binding on them, on the ground that the sale consideration fixed, had not been paid in entirety. The plaintiff has alleged in the plaint that the period of limitation commenced on 21.11.2014, when they obtained a copy of the index of the sale deed dated 02.07.2009, and discovered the alleged fraud committed by the defendant. Hon'ble Supreme Court , by observing that even if the averments of the plaintiff are taken to be true, that the entire sale consideration had not been paid, it could not be a ground for cancellation of the sale deed, found that the suit is vexatious, meritless, and does not disclose a right to sue. Hon'ble Apex Court has also observed that the plaintiff deliberately did not mention the date of the registered sale deed dated 02.07.2009 executed by them, since it would



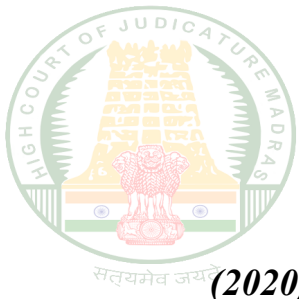
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be evident that the suit was barred by limitation and that the omission of the date of sale deed in the prayer clause, was done deliberately and knowingly, so as to mislead the court on the issue of limitation and that the suit filed after the lapse of over 5 and 1/2 years was clearly barred by Limitation Act and the same would amount to clear abuse of law, dismissed the appeal with exemplary costs.

29. In paragraph 26 of Selvaraj's case, an illustration regarding 'cause of action' was provided. It suggested that if a plaintiff claims a right as a coparcener under Section 29A of the Hindu Succession (Tamil Nadu Amendment Act) without stating her marriage date, the Registry cannot insist on disclosing the marriage date, as it would amount to adjudication. However, with utmost respect, this illustration appears to contradict the Supreme Court's dictum in Dahiben's case. If a plaintiff claims rights under the Hindu Succession (Tamil Nadu Amendment Act) without disclosing her marriage date, the court is duty-bound to seek clarification on the date. If the plaintiff refuses to provide it, rejection of the plaint becomes inevitable.

30. In the case of ***Colonel Shrawan Kumar Jaipuriyar @ Sarwan Kumar Jaipuriyar Vs. Krishna Nandan Singh and another*** reported in



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(2020)16 SCC 594, the Hon'ble Supreme Court observed that a plaint can be rejected under Order VII Rule 11 C.P.C., when it is manifestly vexatious, meritless and groundless, in the sense that it does not disclose a clear right to sue and that a mere contemplation or possibility that a right may be infringed without any legitimate basis for that right, would not be sufficient to hold that the plaint discloses a cause of action.

31. In *Raj Narain Sarin (Dead) through LRs., and another vs Laxmi Devi and others* reported in (2002)10 SCC 501, the Hon'ble Apex Court held that the rejection of the plaint is justified whether the plaint is utterly vexatious and an abuse of process of Court. The said position has been reiterated in *Dahiben's case* case above referred wherein also the Hon'ble Apex Court has held that if on a meaningful reading of the plaint, it is found that the suit is manifestly vexatious and without any merit, and does not disclose a right to sue, the court would be justified in exercising the power under [Order VII Rule 11 CPC](#). The Hon'ble Apex Court has also cautioned that the Court must be vigilant against any camouflage or suppression and determine whether the litigation is utterly vexatious and an abuse of the process of the Court.



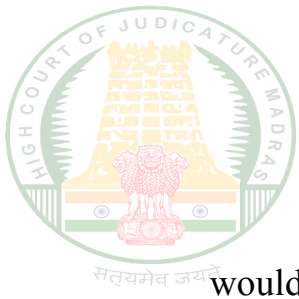
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32. Given the legal position settled by the Hon'ble Apex Court, which mandates scrutiny under Order VII Rule 11 CPC and emphasizes nipping vexatious litigation in the bud, it can be inferred that Courts are required to thoroughly examine complaints to determine if suits are barred by law, limitation, lack of cause of action, or constitute abuse of process. Confining scrutiny to the bare minimum at the pre-registration stage would contradict this mandate.

33. Section 11 of the Tamil Nadu Court fees and Suits Valuation Act deals with the decision as to proper fee in the High Court and it outlines the procedure when a dispute arises between a Court Officer and a party regarding the necessity of paying a fee or its amount and the Taxing Officer decides such disputes. The Taxing Officer can also refer a question of a general importance to the Chief Justice or other Judges of the High Court.

34. Section 12 of the said Act deals with the determining the valuation of the suit in the Courts other than the High Court. The effect of Section 12(1) is that notwithstanding the valuation by the plaintiff, it



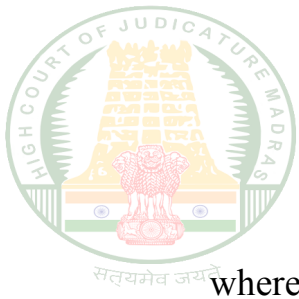
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would be open to the Court to determine the value on the basis of the allegations in the plaint and its power is only to find out the estimate of the plaintiff. In essence, Section 11 provides that disputes over court fees between the court officer and a party are resolved by the Taxing Officer, subject to review by the High Court. In contrast, Section 12 mandates that the court determines the payable court fees before registering the plaint. This distinction also underscores the procedural differences between the High Court and the district judiciary.

35. Considering the above provisions, it is very much clear that the Court before registering the plaint has to decide on the materials and the allegations contained in the plaint and on the materials contained in the statement if any filed under Section 10, the proper fee payable thereof.

36. In view of the above, the numbering of a plaint is a judicial order rather than a ministerial act. The general understanding based on legal interpretation is that it falls under the category of a judicial act, as it is a necessary step in initiating a legal proceeding and requires the court's active involvement in reviewing the plaint before assigning a number. A judicial order implies an active decision-making process by the court,



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where they evaluate information and make a determination based on legal principles. When a plaint is filed, the court examines it to ensure it meets procedural requirements before assigning a number, which involves a degree of judicial discretion. Order 7 Rule 11 of the Code of Civil Procedure deals with the rejection of plaints if they are fundamentally flawed, indicating that the court actively reviews the plaint before allowing it to proceed. Therefore, the act of numbering a plaint, by no stretch of imagination, can be considered to be a ministerial or administrative act, but is definitely a judicial act, as it involves the court's assessment of the plaint before formally initiating a legal proceeding.

37. Now turning to the case on hand, it is the specific case of the plaintiffs that their grandfather has settled the suit properties in favour of their mother Surumbayee and the properties situated in north and south of the suit property on the other grandchildren – defendants 1 to 4 herein. As rightly observed by the learned trial Judge, even according to the plaintiffs, the plaintiffs' mother Surumbayee as well as the defendants 1 to 4 were settled with specific extent of properties with specific boundaries on four sides. Even according to the plaintiffs, the property



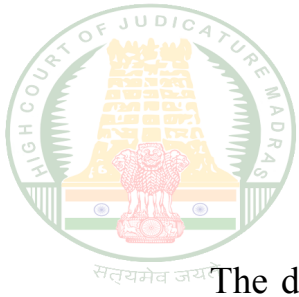
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has not been sub-divided. It is not the case of the plaintiffs that they have made an application for sub-division and the same came to be rejected by the concerned authorities.

38. As already pointed out, the plaintiffs have only alleged that the defendants wanted to grab the suit property. Except the above vague allegation, the plaintiffs have not elaborated anything. It is not the case of the plaintiffs that they have attempted to fix the boundaries or attempted to fence their property, but the same came to be opposed and objected to by the defendants 1 to 4. It is also not the case of the plaintiffs that the defendants 1 to 4 have attempted to encroach some portion in the suit property or that they are claiming some rights on the north or southern boundary of the plaintiffs' properties. The plaintiffs have nowhere whispered in the plaint about the dispute to be solved by the Court between the parties to the suit. The plaintiffs have nowhere stated about the existence of any disputed lis between them and the defendants.

39. Furthermore, even according to the plaintiffs, they requested the defendants to put up boundaries, but this request was not acceded to.



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The defendants' refusal, even if assumed to be true, does not inherently provide a cause of action for filing the suit. The plaintiffs have not claimed that they attempted to put up boundaries and were opposed, which could have potentially given rise to a cause of action.

40. Considering the above, the learned District Judge has rightly come to a decision that the plaint does not disclose any cause of action and the plaintiffs have only attempted to create an illusory cause of action and as such, the impugned order rejecting the plaint cannot be found fault with. Consequently, this Court concludes that the Appeal Suit is devoid of merits and the same is liable to be dismissed.

41. In the result Appeal Suit is dismissed and the judgment and decree dated 05.04.2024, passed in O.S.SR.No.10444 of 2023, on the file of the Principal District Judge, Karur stands confirmed.

30.04.2025

NCC : Yes : No
Index : Yes : No
Internet : Yes : No

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To

1. The Principal District Court, Karur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

A.S.(MD)No.212 of 2024

30.04.2025