



WEB COPY

A No. 1755 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

A No. 1755 of 2025

in CS NO. 217 OF 2024

Mr.Sandhanam and 9 others

S/o.Duraisamy Pillai, G/S/o Sornammal,

..Applicant(s)

Vs

Mr.Balan S/o.Jagathammal Kuppusamy Pillai

and others

..Respondent(s)

PRAYER: The application has been filed under Order XIV Rule 8 of Original Side Rules and Order VII Rule 11(a) and (d) praying to reject the suit as not maintainable.

For Applicant(s):

M/s.L.Dhamodharan

M.V.Deenadhayalan

For Respondent(s):

Mr. G. Ranganathan

ORDER

This application has been filed by the applicant to reject the Plaintiff.

2. According to the applicants, they are 1 to 10 defendants and the



respondents / Plaintiffs have filed the Suit for partition claiming themselves as legal heirs of Tmt. Murugammal. The Complaint averments do not disclose the manner in which the Plaintiffs acquired right over the Complaint schedule properties as a co-owner. Apart from that, the Plaintiffs have never been in possession and enjoyment of the schedule property and they have not produced the documents to prove the same and therefore, valuation of the property and the Court fee paid is not correct. In fact, the Plaintiffs have already filed a C.S. No.429 of 2019 and sought for the relief of partition and the same was withdrawn on 31.03.2023 without obtaining leave from the Court, at the time of withdrawing the above Suit and now filed a fresh Suit. There is no cause of action for the Suit. Therefore, the Suit is liable to be rejected.

3. The respondents filed a counter denying the averments made in the affidavit. The respondents 1 to 27 / Plaintiffs have filed a Suit for partition. The Plaintiffs already pleaded in the Suit about the joint possession and the Court fee paid by the Plaintiffs is also as per law. There are sufficient pleadings in respect of cause of action, it is true that already they filed a Suit for partition in C.S. No.429 of 2019 before this court and the defendants also filed their written statement. Since some of the parties were not added in that Suit and the said Suit was withdrawn on 31.03.2023 and now filed this fresh Suit. There are no grounds to attract the provisions of Order VII Rule 11 of Code of Civil Procedure. Therefore, the application is liable to be dismissed.



4. Heard both sides and perused the entire materials available on record.

5. The Plaintiffs have filed the Suit for the reliefs of partition and separate possession alleging that the properties are joint family properties they are in joint possession and enjoyment of the property. While so, the applicants herein, being the defendants 1 to 10 have filed this application for rejection of Plaint. The main grounds urged in this application are that there is no cause of action for the Suit and the earlier Suit in C.S. No.429 of 2019 was withdrawn on 31.03.2023 without obtaining any leave from the Court. Another ground is that no reference about the acquisition of the property and how the Plaintiffs become co-owners and there are no documents to prove the possession of the Plaintiffs. Therefore, the Suit is liable to be rejected.

6. This Court also perused the records. As far as cause of action is concerned, there are some pleadings in respect of cause of action and this Court, at this stage, need not go into veracity of the pleadings and whether the cause of action is true or not can be decided after full trial. As far as Court fee and possession of the property are concerned, there are some pleadings about the joint possession and after elaborate trial, the joint possession and other things can be decided. The grounds urged by the applicants are nothing but defence to be taken in the written statement. There are no grounds to attract the provisions of Order VII Rule 11 of Code of Civil Procedure and the grounds raised by the applicants are matter of trial and therefore, the application filed by the applicants for rejection of Plaint has no merits and deserves to be dismissed.



7. Accordingly, the application is *dismissed*.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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P.DHANABAL, J.

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