



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 311 of 2026

AND

CS NO. 128 OF 2025

M/s. Varna Homes Private Limited
Represented by its Managing Director
M.Chellappa, No.8/1, Sarojini Street,
Thyagaraya Nagar Chennai - 600 017.

..Applicant(s)

Vs

1. M. Vijayalakshmi
Om Muruga Illam, Old NO.39, New NO.8,
Sarojini Street, Thyagaraya Nagar, Chennai -
600 017.
2. M.Anantharaman
Om Muruga Illam, Old NO.39, New NO.8,
Sarojini Street, Thyagaraya Nagar, Chennai -
600 017.
3. M.Ravishankar
Old No.50, New No.11, Dr.Subbarayan Nagar,
8th Street, Kodambakkam, Chennai - 600 024.

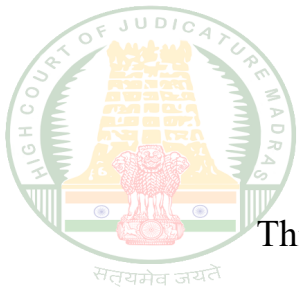
..Respondent(s)

A No. 311 of 2026:

To Reject the Complaint as an abuse of process of court under order VI Rule 16 read with Order VII R.11(a) of C.P.C. 1908 viz no cause of action for institution of the above suit.

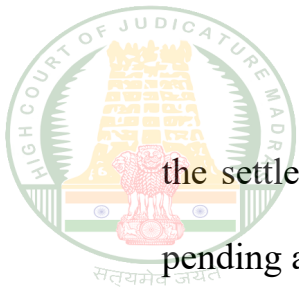
For Applicant(s): M/s.Vasudha Thiagarajan

For Respondent(s): Mr.V.G.Suresh Kumar

**ORDER**

This application was filed by the sole defendant under Order VI Rule 16 read with Order VII Rule 11(a) of the Code of Civil Procedure, 1908. The defendant asks the Court to reject the plaint in C.S. No. 128 of 2025. That suit seeks recovery of Rs. 3,07,51,950/-, together with interest at 18% per year and costs. The amount is claimed as arrears of rent/fair rent for the non-residential ground-floor and second-floor portions at Old Door No. 39, New Door No. 8, Sarojini Street, T. Nagar, Chennai.

2. The plaint states that M. Saroja was the absolute owner of the property. By three registered settlement deeds dated 19.9. 2002, bearing Document Nos. 2041-2043 of 2002, she settled specified portions of the property on plaintiffs 1, 2 and 3. However, she reserved the right to collect rent during her lifetime. The defendant-company rented the ground-floor and second-floor portions under a written agreement dated 1.12.2010 at a monthly rent of Rs. 10,000. In R.C.O.P. No. 459 of 2013, the XV Judge, Court of Small Causes, Chennai, fixed the fair rent at Rs.2,25,357/- per month with effect from 27.2.2013, by an order and decree dated 28.4. 2018. The defendant later applied to excuse a 504-day delay in filing an appeal against that order, but the application was dismissed on 11.08. 2023. Saroja died on 4.11. 2018. The plaintiffs say that, after her death, they became entitled to receive the rent, but the defendant has not paid it. The plaint also mentions the earlier suits filed by the Managing Director challenging

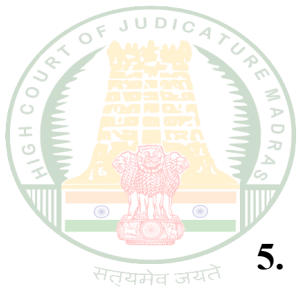


the settlement deeds, the dismissal of those suits for non-prosecution, and the pending applications to restore them.

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3. The applicant/defendant in the present application states that the 2010 lease was a sham created only for GST registration, no rent was paid, and no landlord-tenant relationship existed; the settlement deeds were also sham documents and are being challenged in O.S. Nos. 6686-6688 of 2013; the third plaintiff converted to Islam and now uses the name Muhammed Rafeeq, and therefore cannot sue under Hindu succession law in his former name; and the second plaintiff sold his portion under a sale deed dated 20.10. 2016, registered as Document No. 1971 of 2018, and therefore has no continuing interest in the property. On these grounds, the applicant alleges suppression, fraud, lack of locus, absence of a legal landlord-tenant relationship, and abuse of process.

4. The respondents/plaintiff rely on the settlement deeds, the rental agreement, the fair-rent order, and the order dismissing the delay-condonation application. In the counter, the third respondent describes himself as “M. Ravishankar alias Muhammed Rafeeq” and states that he proposes to seek an amendment. The respondents dispute the validity of the alleged sale by the second plaintiff. They point out that O.S. No. 1294 of 2020, which challenges that sale, is still pending. They also state that, in any event, the alleged sale concerns only one plaintiff's portion.



5. The plaint shows a cause of action. It identifies the property, the plaintiffs' claimed title under the registered settlement deeds, the written letting of the premises to the defendant-company, the fair-rent order, the death of the settlor, the defendant's continued occupation, the alleged failure to pay, the period for which payment is claimed, and the relief requested. If these facts are proved, they can support a decree. Nothing more is required at this stage.

6. The applicant denies the tenancy and says that the 2010 agreement was a sham created only for GST purposes. Whether the lease was genuine and whether the parties acted on it are disputed questions of fact. Those questions must be decided at trial and cannot be decided by this Court on affidavits alone.

7. The challenge to the settlement deeds also does not justify rejecting the plaint. The plaint relies on three registered deeds that confer absolute ownership. Their genuineness is disputed, but that dispute must be decided at trial and cannot be decided on summary judgment.

8. The objection based on the third plaintiff's religious conversion is legally incorrect. Section 26 prevents only the descendants of a convert who were born after the conversion from inheriting the property of a Hindu relative. It does not prevent the convert himself from inheriting. In any event, the

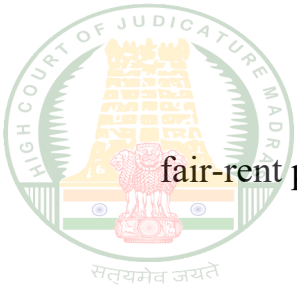


applicability of Section 26 is not a matter for decision at this stage. The use of the name “M. Ravishankar” instead of “Muhammed Rafeeq” is, at most, a correctable misdescription, because the respondent’s counter states that both names refer to the same person. The difference in name does not destroy the cause of action. Any application to amend the name may be considered separately on its own merits.

9. The alleged sale by the second plaintiff is not part of the plaint, is disputed, and is itself the subject of the pending suit O.S. No. 1294 of 2020. Its validity cannot be decided in this application. Even if the sale is ultimately proved, it would affect only the second plaintiff’s share. It would not extinguish the separate rights claimed by plaintiffs 1 and 3. A plaint cannot be rejected in part, so this objection cannot justify rejecting the entire plaint.

10. The allegation of suppression has not been established. The plaint itself mentions the earlier proceedings that challenged the settlement deeds. Any allegation of fraud or suppression that depends on facts disputed by the other side must be proved at trial. It cannot be treated as true merely for the purpose of rejecting the plaint.

11. The claim includes recurring monthly amounts up to September 2024 and the questions of limitation, the exact amount of arrears, and the effect of the



fair-rent proceedings are matters for trial.

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12. The applicant has not identified any specific statement in the plaint that is unnecessary, scandalous, frivolous, or vexatious, as required by that provision. The applicant seeks rejection of the entire plaint, but Order VI Rule 16 cannot be used to achieve that result.

13. In view of the above reasons, this Application No. 311 of 2026 is dismissed.

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DR.A.D.MARIA CLETE J.

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