

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.(PD).No.3061 of 2015

and

M.P.No.1 of 2015

Mr.C.R.Muthusamy

... Petitioner/Petitioner/Defendant

Vs.

Mr.K.K.Muthusamy

... Respondent/Respondent/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.07.2015 made in I.A.No.282 of 2015 in O.S.No.325 of 2013 on the file of the learned I Additional District Court, Tiruppur.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.A.Saravanan

O R D E R

The revision petitioner is the defendant in O.S.No.325 of 2013 on the file of the I Additional District Court, Tiruppur. The revision petitioner also filed an application in I.A.No.282 of 2015 in O.S.No.325 of 2013 under Order 7 Rule 11 CPC to reject the plaint.

2. The Trial Court passed an order dated 06.07.2015 in I.A.No.282 of 2015 in O.S.No.325 of 2013 rejecting the said application and the present Civil Revision Petition is preferred against the aforesaid order.

3. Heard the learned counsel appearing for the petitioner and Mr.A.Saravanan, learned counsel for the caveator.

4. The main plea of the revision petitioner is that the plaintiff started the business only in the year 2010 and therefore, the pleading to the contrary that the plaintiff is doing business in the name of "Sri Balaji Workshop" from the year 1982 is false and imaginary and based on the same, the revision petitioner sought for dismissal of the plaint.

5. The Trial Court had rightly held that the application under Order 7 Rule 11 CPC can be decided only based on the pleadings of the plaintiff and all the triable issues can only be taken up during the trial and the issue raised by the revision petitioner cannot be a basis for rejection of the plaint.

6. I do not find any infirmity in the order of the Trial Court made in I.A.No.282 of 2015 in O.S.No.325 of 2013. Accordingly, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

pgp
To
The I Additional District Court,
Tiruppur.

1 cc to Mr.R.Prabakar , Advocate Sr.No.48527

C.R.P. (PD)No.3061 of 2015

kv (co)

pmk.25.9.2015

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