

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3082/2016

Nanjappan : Petitioner

versus

Ramasamy : Respondent

PRAYER: Revision filed against the order dated 4.4.2016 in I.A.No.1438 of 2015 in O.S.No.23 of 2015 on the file of the District Munsif Court, Sathyamangalam.

For petitioner :: Mr.R.Vijayan

For respondent :: No appearance

ORDER

The petitioner filed an application before the Trial Court in I.A.No.1438 of 2015 to reject the plaint on the ground that there are no triable issues. The Trial Court dismissed the petition and directed the parties to face trial. Feeling aggrieved, the petitioner has come up with this revision petition.

2. The learned counsel for the petitioner vehemently contended that when there are no triable issues, the Trial Court was not expected to post the suit for trial. According to the learned counsel, particulars of survey

numbers were not correctly mentioned in the civil suit and as such,

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there is no question of adducing evidence. In short, it is the contention of the petitioner that when there is no pleading, there is no question of adducing evidence to substantiate the contentions.

3. The very same petitioner earlier filed an application under Order 7 Rule 11 CPC. The application was dismissed by the Trial Court. The order was upheld by this Court in C.R.P. PD No.3648 of 2015. The order has become final. In the light of the earlier order, it is not permissible for the petitioner to file another petition to reject the plaint on the ground that there are no triable issues. The Trial Court was therefore correct in dismissing the application filed by the petitioner.

4. In the upshot, I dismiss the civil revision petition. No costs.

03.11.2016

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To

The District Munsif Court, Sathyamangalam

C.R.P.(P.D.) No.3082/2016

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