

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.09.2016**

CORAM:

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

C.R.P.(P.D.) No.3090 of 2016 and
CMP.No.15734 of 2016

1.T.P.Ganapathy
2.T.P.Saravanan
3.T.P.Madhan

...Petitioners

versus

T.P.Balamurugan alias T.P.Balamuruganathan

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order made in I.A.No.689 of 2015 in I.A.No.627 of 2014 in O.S.No.232 of 2013 on the file of District Munsif Court, Tambaram dated 18.03.2016.

For Petitioners : Mr.S.Senthil Nathan

ORDER

The respondent filed a suit for injunction in O.S.No.232 of 2013 before the District Court, Tambaram, to restrain the petitioners herein from interfering with his peaceful possession and enjoyment of the suit property. In the said suit, the petitioners filed an application in I.A.No.627 of 2014 invoking Order VII Rule 11 (d) and (f) of the Code

of Civil Procedure. During the currency of the said application, the petitioners filed an application in I.A.No.689 of 2015 to receive certain documents. The application was dismissed by the Trial Court on the ground that it would not be permissible to receive additional documents at the instance of the petitioners in a petition under Order VII Rule 11 of CPC to decide as to whether the suit should be axed at the threshold. Feeling aggrieved, the petitioners are before this Court with this Civil Revision Petition.

2. The learned counsel for the petitioners contended that the prayer in the suit would appear as if the property absolutely belongs to the respondent. However, a perusal of the schedule of the property would reveal that the property is owned by a company. According to the learned counsel, in case, the property is owned by the company, the suit of this nature is not maintainable before the learned District Munsif. It was only to prove the said fact, the petitioners have filed the application in I.A.No.689 of 2015.

3. The petitioners wanted to axe the suit at the threshold, as according to them, the Trial Court has no jurisdiction to entertain the suit. While considering the application under Order VII Rule 11 CPC, the

Court is expected to refer the plaint averments and decide as to whether there was a cause of action for filing the suit and as to whether suit should be rejected on any of grounds under Order VII Rule 11 CPC. There is no question of permitting the defendants in the suit to produce documents and conduct a roving enquiry as to whether the Trial Court was correct in entertaining the suit.

4. The learned Judge having found that the petitioners wanted an enquiry to be conducted by producing documents for the purpose of deciding the application under Order VII Rule 11 CPC rightly dismissed the prayer for reception of documents. I do not find any error or illegality warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

5. In the up shot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2016

Index:Yes/No
svki

To

The District Munsif Court, Tambaram.

K.K.SASIDHARAN, J.

(svki)

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