

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.5335,
5347 and 5349 of 2016

Common Order:

These revisions arise out of the refusal of the Court below to reject the complaints under Order VII, Rule 11 CPC

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioner.

3. The only ground on which rejection of complaints was sought by the petitioner/defendant is that the claim made in all the 3 suits included an amount representing interest for exceeding the total principal amount. Therefore, the claim was that the Rule of Damdupat, has to be applied and the complaints are to be rejected.

4. We need not even go into the question whether the rule is applicable or not. The plaintiff is entitled at least to the principal amount. Therefore, there is no question of rejecting the complaints. Whether a person is entitled to interest at a particular rate and the question whether the claim for interest is usurious or not, are all questions to be gone into at the time of trial and the Trial Court did well in dismissing the applications for rejection of complaints. I therefore see no reason to interfere with the impugned orders. Hence, the revisions are dismissed. The miscellaneous petitions, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

18th November, 2016.
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