

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.64 of 2016

ORDER:

The 1st defendant in O.S.No.1474 of 2013 is the petitioner in this revision, which is directed against an order passed by the III Additional District and Sessions Judge, Ranga Reddy District, in I.A.No.593 of 2015, which is taken out by the respondent/plaintiff to receive certain documents which are enclosed to the said interlocutory application.

Along with the suit though certain documents have been enclosed, but, however, it appears the 1st defendant who has filed his written statement in the suit contesting the suit claim has filed certain documents and also filed several interlocutory applications to receive additional documents. Along with the written statement, I.A.No.262 of 2015 was filed by the 1st defendant for rejecting the plaint under Order VII Rule 11 CPC. During the course of hearing of arguments in I.A.No.262 of 2015, the plaintiff moved the present application for receiving additional documents which is ordered by the Court on 07.12.2015. Hence, this revision.

Heard Sri B.Chandrasen Reddy, learned counsel for the petitioner and E.Madan Mohan Rao, learned counsel for the 1st respondent/plaintiff in the suit.

The Court below has allowed the present I.A.No.593 of 2015 as the plaintiff can supplement production of documents even at a stage subsequent to that of presentation of the plaint by obtaining the leave of the Court to do so. In that view of the matter, the Court below felt that there could not be any impropriety in receiving the additional documents, the 1st respondent/plaintiff wants to produce in support of the suit claim.

The objection aired on behalf of the 1st defendant, the petitioner in I.A.No.593 of 2015, is that after the arguments are over in I.A.No.262 of 2015 if documents are sought to be entertained, the very purpose of instituting the application under Order VII Rule 11 CPC would get

frustrated.

It will be appropriate to notice that Order VII Rule 11 CPC enables the Court to reject the plaint for the factors mentioned in Clauses (a) to (f) therein. Clause (a) of Rule 11 Order VII CPC clearly spells out as under: “where it does not disclose a cause of action”. It is more than clear that the plaint as a whole must be read and only in the event it fails to disclose the necessary cause of action to institute the suit, then such a plaint can be rejected. For purpose of making out as to whether there was cause of action occurred to the plaintiff to institute the suit or not, the averments are relevant.

Therefore, the Court below while considering I.A.No.262 of 2015, would ensure that the plaint would be rejected only in the event of its failure to disclose the cause of action, but not otherwise.

With this observation, the civil revision petition stands disposed of at the admission stage.

Consequently, miscellaneous petitions, if any shall stand closed.

No costs.

JUSTICE NOOTY RAMAMOHANA RAO

29.01.2016
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