

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.522 of 2017
and
C.M.P.No.2602 of 2017

Arokiyaraj

.. Petitioner

Vs.

1. S.Rajasekaran
2. S.Saravanan
3. Thandayuthapani
4. Dharmaraj
5. Union of India,
Represented by Chief Secretary,
Government of Pondicherry,
Pondicherry.
6. The Sub-Registrar,
Oulgaret Sub-Registry,
Oulgaret,
Pondicherry.

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against fair and decretal order dated 01.08.2015 passed in I.A.No.412 of 2015 in O.S.No.1572 of 2013 on the file of the Principal District Munsif Court, Pondicherry.

For petitioner : Mr.S.N.Kirubanandam

ORDER

The revision is filed by the third defendant, challenging the order dismissing the application filed under Order 7 Rule 11 CPC to reject the plaint. The suit is filed for permanent injunction restraining the defendants from encumbering or alienating the suit property. The two grounds on which the application was filed is that notice under Section 80 CPC has not been issued to the Government authorities who are the defendants in the suit and the other necessary parties have not been arrayed in the suit. On these two grounds, rejection of the plaint is sought for. Under Order 7 Rule 11 CPC, unless the defendant is able to satisfy the Court the four limbs of the Order, the plaint cannot be rejected. It is not the case of the third defendant that the suit is without any cause of action or the suit is under-valued or even the suit claim is barred by any law. Merely because the plaintiff has not asked for declaration of title, it cannot be a ground for rejection of the plaint under Order 7 Rule 11 CPC and the other grounds raised by the revision petitioner/D3 are also not satisfying the provisions of Order 7 Rule 11 CPC. Hence, the application was dismissed by the trial Court, which does not

suffer from any infirmity. Hence, the Civil Revision Petition is dismissed. No costs. C.M.P. is closed.

17.02.2017

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Copy to

1. The Principal District Munsif, Pondicherry.
2. The Chief Secretary,
Government of Pondicherry,
Pondicherry.
3. The Sub-Registrar,
Oulgaret Sub-Registry,
Oulgaret,
Pondicherry.

PUSHPA SATHYANARAYANA, J

CS

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