

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.3126 of 2017

ORDER:

The revision petition arises out of the dismissal of an application filed under Order VII Rule 11 C.P.C.

2. Heard Mr. Bethi Venkateshwarlu, learned counsel for the petitioner.

3. The respondent filed a suit for recovery of a sum of Rs.56,99,175/- contending *inter alia* that the petitioner entered into an agreement with him for sale of property for a total sale consideration of Rs.1,27,80,000/-; that on the date on which the agreement was entered into, an advance of Rs.45,00,000/- is paid; that subsequently, the contract failed forcing the respondent to demand the advance money; that after negotiations, the petitioner/defendant agreed to pay Rs.50,00,000/- to the respondent/plaintiff in a lumpsum; that in evidence therefor three promissory notes were executed for a total amount of Rs.50,00,000/- and that therefore, the said amount became payable after the cheques issued by the petitioner bounced.

4. The petitioner filed an application under Order VII Rule 11 contending that under the promissory notes, on the basis of which the suit was filed, no consideration passed on and that therefore, there was no cause of action in the suit pursuant to the promissory notes. The trial Court rejected the application rightly. The cause of action is well settled to be a bundle of facts. It is not to be looked at in isolation and cannot be broken into pockets of information for dissection. The pleading to the effect that there was an agreement of sale; that there was an advance money paid; that the contract broke leading to a demand for advance money and that the said demand led to the issue of promissory notes, constitute one chain of events which had to be looked into as a whole

constituting a part of cause of action. The trial Court did well in rejecting the application under Order VII Rule 11 and I find no reason to interfere with the same. Hence the Civil Revision Petition is dismissed.

5. As a sequel, miscellaneous petitions pending in this revision petition, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

7th July, 2017
Js.



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Date: 07-07-2017

Js.