

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 05.06.2018****CORAM****THE HONOURABLE MR.JUSTICE P.VELMURUGAN****CRP(PD)No.1560 of 2018
and
C.M.P.No.8380 of 2018**

Mr.S.Chandresan

..

Petitioner

vs.

1.Keyaram Developers &
Holders Pvt. Ltd.,
S/o. Late V.C.Jain,
Rep. by its Director
K.Shandrasegaran,
Old No.1, New No.2,
Harrington Road,
Chetpet,
Chennai 600 031.

2.M/s.PVP Corporate Parks Pvt. Ltd.,
Rep. by its Director V.R.Arasu,
KRM Center, 9th Floor,
No.2, Harrington Road,
Chetpet,
Chennai 600 031.

3.Pondy Oxides and Chemicals Ltd.,
F14, Mahaveer Chambers,
103, Nainikappa Naicket Street,
Chennai 103.

4.Noorjahan Tabassum

5.Zairunnisa Begum

6.Y.J.Bakir

7.Hasina

8.Marutza

9.Mohammed

10.Anil Kumar Bansal

11.W.Hansraj Saxena

12.Building Craft Interiors Pvt. Ltd.,
8th Floor, KRM Center,
No.2, Harrington Road,
Chetpet,
Chennai - 31.

13.KRM Center Building
Maintenance Association,
KRM Center,
No.2, Harrington Road,
Chetpet,
Chennai - 31.

14.Keyaram Center and Keyaram
Plaza Residents Association,
No.2, Harrington Road,
Chetpet,
Chennai - 31.

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 14.11.2017 passed in I.A.No.1316 of 2016 in O.S.No.6818 of 2015 on the file of the VII Assistant City Civil Court, Chennai.

For Petitioner ... Ms.R.Meenal

ORDER

The Civil Revision Petition has been filed by the petitioner to set aside the fair and decretal order dated 14.11.2017 passed in I.A.No.1316 of 2016 in O.S.No.6818 of 2015 on the file of the Assistant City Civil Court, Chennai.

2. The petitioner herein is the third defendant and the first respondent herein is the plaintiff and the respondents 2 to 14 herein are the defendants 1, 2 and 4 to 14 in the suit filed in O.S.No.6818 of 2015.

3. The brief facts of the case are as follows:

The first respondent / plaintiff filed the said suit seeking permanent injunction on the file of the VII Assistant City Civil Court, Chennai. Pending the suit, the petitioner/3rd defendant filed I.A.No.6818 of 2015 under Order 7 Rule 11 CPC to reject the plaint and the same was dismissed by the Court below by order dated 14.11.2017. Feeling aggrieved by the said order, the present civil

revision petition has been filed.

4. The learned counsel for the petitioner/3rd defendant submitted that the Court below without considering the case of the petitioner, erroneously dismissed the application as the suit is not maintainable in law and the first respondent/plaintiff does not have any locus standi to maintain the suit. Hence, the impugned order passed by the Court below is liable to be dismissed.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. On a perusal of records, it is seen that the plaint discloses cause of action.

7. It is well settled law while dealing with the application filed under Order 7 Rule 11 of CPC, the Court has to look into the plaint averments to see as to whether it discloses the cause of action. At the time of deciding an application filed under Order 7 Rule 11 of CPC, the defence taken by the defendants need not be looked into.

8. A perusal of the entire records reveal that the defence, which

is put forth by the petitioner/defendant has to be decided only at the time of conclusion of trial, after letting-in evidence by both sides and not now. Therefore, the relief sought for by the petitioner cannot be granted at this stage in the application filed by the petitioner and the matter can be decided by the Court below at the later stage i.e., after completion of the trial in the suit. Hence, there is no illegality or infirmity in the order passed by the trial Court below.

In the result, the civil revision petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

05.06.2018

Index:Yes/No
Speaking Order:Yes/No

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To

The Registrar,
City Civil Court,
Chennai.

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P.VELMURUGAN.J,

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