

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.1674 of 2018 and
CMP. No.9211 of 2018

1.R.Kalaivani
2.J.Prabakaran
3.J.Saravanan

... Petitioners

Vs.

R.Usha Nandhini

... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order dated 02.01.2018 passed in I.A.No.929 of 2017 in O.S. No.339 of 2017 on the file of the learned District Munsif, Sular.

For Petitioners : Mr.R.Kannan

ORDER

This civil revision petition has been filed against the order dated 02.01.2018 passed in I.A.No.929 of 2017 in O.S.No.339 of 2017 made by the learned District Munsif, Sular.

2 The respondent herein filed a suit in O.S.No.339 of 2017 against the revision petitioners seeking to declare the alleged

settlement deed dated 21.10.2010 executed by the first revision petitioner in favour of the 2nd and 3rd revision petitioners as null and void and for consequential relief of permanent injunction.

3 The revision petitioners are the defendants in the suit and pending the suit, they filed an interlocutory application in I.A.No.929 of 2017 under Order VII Rule 11 of CPC to reject the plaint on the ground that the plaint does not disclose any cause of action.

4 The respondent/plaintiff filed her counter affidavit before the trial Court denying all the contentions raised in the interlocutory application and seeks to dismiss the same.

5 The trial Court after considering all the averments put forth by both the parties dismissed the application by an order dated 02.01.2018.

6 Aggrieved against the above said order dated 02.01.2018, the revision petitioners are before this Court with the present civil revision petition.

7 The learned counsel for the petitioners would submit that the respondent/plaintiff has not disclosed any cause of action in the plaint and the right to suit has not been made out by her. On the sole ground itself, the plaint has to be rejected.

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

9 It is well settled principle that while considering an application under Order VII Rule 11, to reject the plaint, the court has to look into the averments made in the plaint and the documents annexed with and dispose of the application in accordance with law. Further at the time of deciding the application of this nature, the defence taken by the defendant and documents produced by the defendant for supporting his defence need not be considered.

10 In the present case on hand, the respondent/plaintiff disclosed the cause of action and correctly valued the suit and paid the court fee. The revision petitioners have not made out any valid ground warranting interference with the order dated 02.01.2018 passed in I.A.No.929 of 2017 in O.S. No.339 of 2017 made by the learned

P.VELMURUGAN, J.,

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District Munsif, Sulur. There is no illegality or infirmity in the above said order.

11 In view of the above reasons, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed.
No costs.

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To

The District Munsif Court,
Sulur.

05.06.2018

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