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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1367 of 2017 and
C.M.P.(MD)No.6710 of 2017

1. P.Prabakaran
2. P.Arul Vadivel ... Petitioners/Petitioners/
Defendants
Vs.
Sevu.Rama.Rama.Sevugan ... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of dismissal in a petition preferred by the petitioners for Rejection of plaint in I.A. No.1122 of 2016 in O.S.No.277 of 2012, dated 22.03.2017 on the file of the learned District Munsif, Melur.

For Petitioners : Mr.S.Chandrasekaran
For Respondent : Mr.M.Saravanan,
for Mr.R.Subramanian

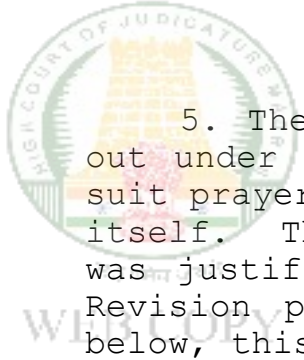
ORDER

O.S.No.277 of 2012 has been filed by the respondent herein seeking certain reliefs.

2. The Revision petitioners are the defendants in the said suit. The Revision petitioners filed I.A.No.1122 of 2016 for rejection of plaint. The same was dismissed by order dated 22.03.2017. The correctness of the said order is under challenge in this Civil Revision petition.

3. Heard the learned counsel on either side.

4. The Revision petitioners' counsel drew the attention of this Court to the way in which the suit prayer has been worded in respect of the first item of the suit schedule. The plaintiff seeks the relief of recovery of possession apart from declaration. He also seeks injunction in respect of the very same item. The learned counsel for the Revision petitioners submitted that such internal inconsistency in the suit prayer would actually go to show that there is no real cause of action for institution of the suit.



5. The plaint can be rejected if any of the circumstances set out under Order 7 Rule 11 of C.P.C., arise. Inconsistency in the suit prayer cannot be one of the grounds for rejection of the plaint itself. Therefore, this Court is of the view that the Court below was justified in dismissing the I.A.No.1122 of 2016 filed by the Revision petitioners. Affirming the reasons given by the Court below, this Court dismisses the Civil Revision petition.

6. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Munsif,
Melur.
 2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. **(2 copies)**
- +1CC to Mr.R.Subramanian, Advocate, SR.No.78780

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PMU
ES/RP/SAR 3/19.09.2018/2P/5C