



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2018

CORAM :
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

C.R.P.(NPD) (MD)No.1061 of 2013
and
M.P.(MD)No.1 of 2013

1.Paluchamy
2.Subban
3.Alagar
4.Subramanian
5.Gandhi
6.Jeyarani

:Petitioners

vs.

1.C.Marimuthu
2.S.Marimuthu
3.S.Anandharaj

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the plaint in O.S.No.151 of 2013 on the file of the District Munsif Court, Srivilliputhur.

For Petitioners :Mr.R.Surianarayanan
For Respondents :Mr.N.Balakrishnan

ORDER

The defendants in the suit in O.S.No.151 of 2013 on the file of the District Munsif Court, Srivilliputhur, are the revision petitioners.

2.This civil revision petition has been filed to call for the records relating to the suit in O.S.No.151 of 2013, on the file of the District Munsif Court, Srivilliputhur and to strike out the same. The only ground on which the revision petitioners have come forward with the present petition is that the suit is an abuse of process of law as the patta filed along with the plaint shows that the plaintiffs are not at all relating to the suit property and that the suit property belonged to the defendants.

3.Rejection of plaint is permissible only if the person made out the grounds which are enumerated under Order 7 Rule 7 of CPC. In this case, plaint discloses cause of action and the suit cannot be dismissed for want of cause of action and the question whether the plaintiffs are entitled to the relief on the basis of documents relied upon by the plaintiffs cannot be considered in a petition under Order 7 Rule 11 of CPC. Same way, this Court cannot



strike out the plaint merely on the statement of the defendants. This Court is not able to see any abuse of process of law or any other grounds in the memorandum to throw the suit without trial.

4. Accordingly, this civil revision petition is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Munsif, Srivilliputhur.
2. The Section Officer, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

CMR

VB/SV/MMS/SAR2/16/05/2018/2P/4C

C.R.P. (NPD) (MD) No. 1061 of 2013

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