

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1858 of 2019

and

CMP.No.12269 of 2019

1.Rajakannan

2.Vijayakumar Nithyanandhi

... Petitioners

Vs.

Selvarani

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India seeking to set aside the fair and decreetal order passed in I.A.No.96 of 2017 in O.S.No.1167 of 2014 dated 28.11.2018 on the file of IV Additional District Munsif Court, Coimbatore.

For Petitioners : Mr.Muruganantham

For Respondent : No Appearance

ORDER

The Civil Revision Petition has been filed by the petitioners to set aside the fair and decreetal order passed in I.A.No.96 of 2017 in O.S.No.1167 of 2014 dated 28.11.2018 on the file of IV Additional District

2. The defendants 1 and 2 filed a petition for rejection of plaint on the ground that there is no cause of action for filing the suit. On a reading of the plaint, it is seen that a marriage certificate dated 12.03.2014 between the 1st and 2nd respondents has been produced. The cause of action arose on the basis of alleged marriage that took place on 27.05.2010. The contention of the petitioner is that there was no such marriage and therefore there is no cause of action to maintain the suit. Hence the plaint has to be rejected. Whether the marriage certificate is true or not can be decided only after elaborate trial. Hence, the suit cannot be rejected at the threshold, particularly when the plaint discloses some cause of action. The petition to reject the plaint is not sustainable. The trial Court has elaborately discussed the issue and dismissed the petition.

3. I do not find any infirmity in the order passed by the trial Court. Hence, the Civil Revision Petition filed against the order of the trial Court in I.A.No.96 of 2017 in O.S.No.1167 of 2014 dated 28.11.2018 is dismissed as there is no merit for consideration. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2019

bri

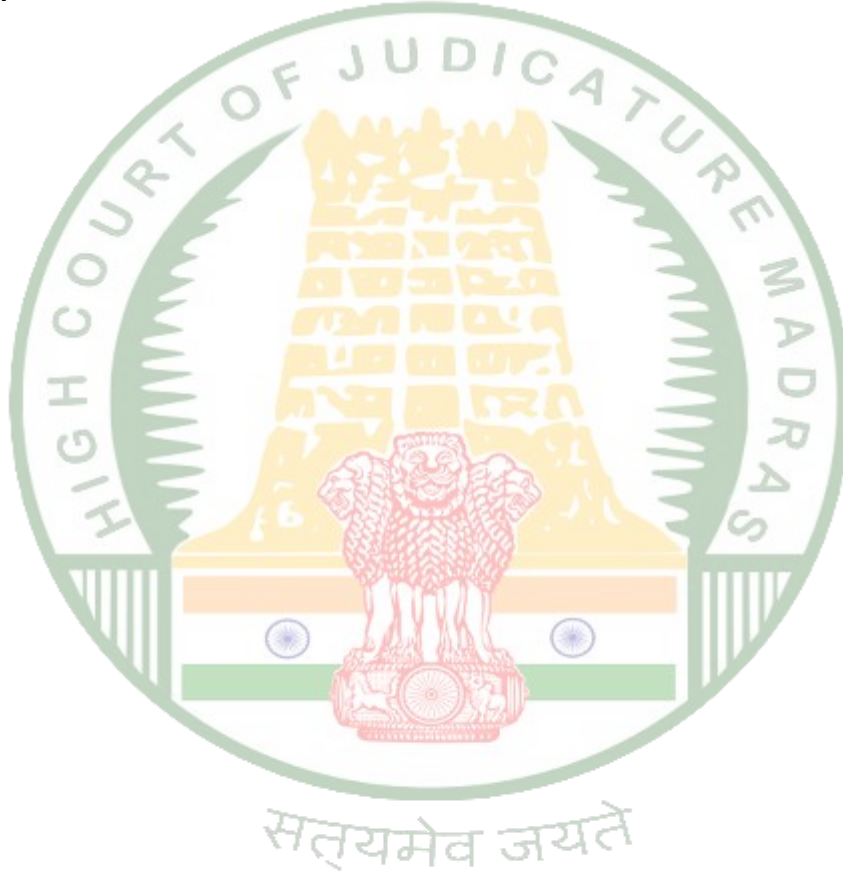
Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

To

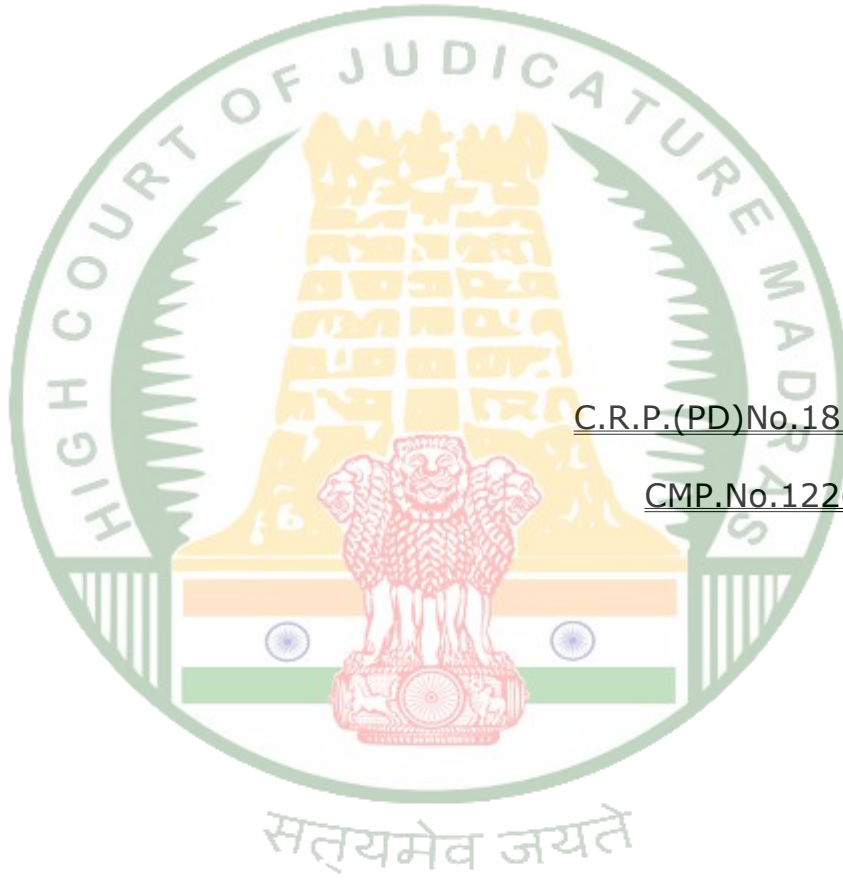
The Judge,
IV Additional District Munsif Court,
Coimbatore.



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M. GOVINDARAJ, J.

bri



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