

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).No.3580 of 2019

and

C.M.P.No.23446 of 2019

1. Keeriperumal

2. Murugesan

... Petitioners

Versus

S.S.Murugan

... Respondent

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, praying to set aside the Fair and Decretal order dated 06.08.2019 passed in I.A.No.1045 of 2018 in O.S.N.139 of 2014 on the file of the Subordinate Court, Bhavani.

For petitioner : Mr. R.Prabakar

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ORDER

This Civil Revision has been filed against order dismissing the petitioners' application filed under Order 7 Rule 11 CPC to reject the plaint.

2. The respondent/plaintiff filed a suit in O.S.No.139 of 2014 on the file of the Subordinate Court, Bhavani for Specific Performance against the petitioners herein. While filing the suit, the original sale agreement has not been produced by the respondent . Instead of producing the sale agreement, he produced only copy of the cancellation of lease agreement. Since the original sale agreement was not produced before the Court, the petitioners herein filed an application under Order 7 Rule 11 of CPC to reject the plaint.

3. It is further stated that during the hearing of the application, the original sale agreement is also produced before the Court with the explanation that due to oversight the original sale agreement was not produced at the time of filing the suit. Considering the above circumstances, the trial Court rejected the petitioner's application on the ground that the application is not maintainable under Order 7 Rule 11 CPC. Now, challenging the same, the present Revision has been filed.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. The application to reject the plaint can be entertained only if the petitioners are able to satisfy the ground mentioned in the Order 7

Rule 11 CPC. Merely because, the plaintiff failed to produce the original sale agreement, the same is not a ground to reject the plaint and on the said reason the plaint cannot be rejected. The trial Court after considering the materials, rightly dismissed the application filed by the petitioners, and I find no illegality or irregularity in the order passed by the trial Court and I find no merit in the Revision Petition.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, as the petitioner have a grievance with regard to the filing of the sale agreement subsequent to the filing of the suit, it is always open to the petitioner to raise his objection at the time of trial.

02.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

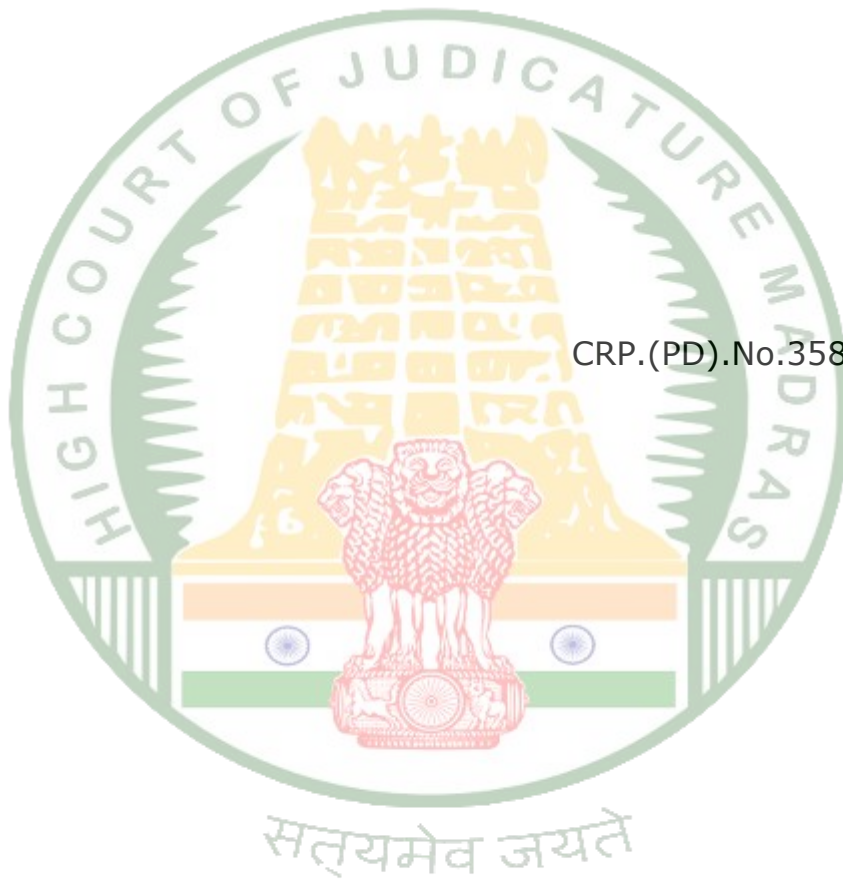
To
Sub Court, Bhayani

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