

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).No.3955 of 2019

and

C.M.P.No.26090 of 2019

1. Gunasekaran

2. Sheela

3. Balasubramani

4. Bakiyalakshmi

... Petitioners

Versus

Mr.M.K.Venkatesan

... Respondent

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India against the order passed in I.A.No.63 of 2018 dated 13.09.2019 in O.S.No.6 of 2018 on the file of the Additional District Judge (FTC), Arni, Thiruvannamalai District.

For petitioner : Mr. K.G.Senthilkumar

ORDER

The Civil Revision Petition is taken up for final disposal at the Admission stage itself.

2. This Civil Revision Petition has been filed against the order of dismissing the petitioners application filed under Order VII Rule 11 CPC to reject the plaint.

3. The respondent/plaintiff filed a suit in O.S.No.6 of 2018 on the file of the Additional District Court (FTC), Arani for recovery of a sum of Rs.12 lakhs from the petitioners/defendants based on a Bond executed by the petitioners/defendants. The petitioners/defendants filed a written statement disputing the execution of the alleged bond and also disputing the receipt of the amount from the plaintiff. Pending suit, the petitioners herein filed an application in I.A.No.63 of 2018 for rejection of plaint under Order VII Rule 11 of CPC on the ground that the alleged suit based on a bond, an unregistered document and it is not admissible in evidence, based on the same the plaintiff cannot maintain the suit. The trial Court dismissed the application on the ground that whether the document is admissible or not is to be decided only at the time of trial and at this stage, the Court has only to see whether any cause of action arises for filing the suit and dismissed the application. Now challenging the same, the present revision petition has been filed.

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

5. The main ground for seeking rejection of plaint is that the plaintiff claim recovery of money based on an unregistered document which is inadmissible in evidence and based on an inadmissible document, the suit cannot maintainable. But that contention of the petitioners cannot be accepted for the simple reason that whether the document is admissible in evidence or not cannot be decided at this stage and it can be decided only in the trial and on that ground the plaint cannot be rejected and the petition is not maintainable. The trial Court, rightly dismissed the application. Hence, I find no irregularity or illegality in the order passed by the trial Court and I find no merit in the writ petition.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, it is always open to the petitioner to raise the above objection in the suit.

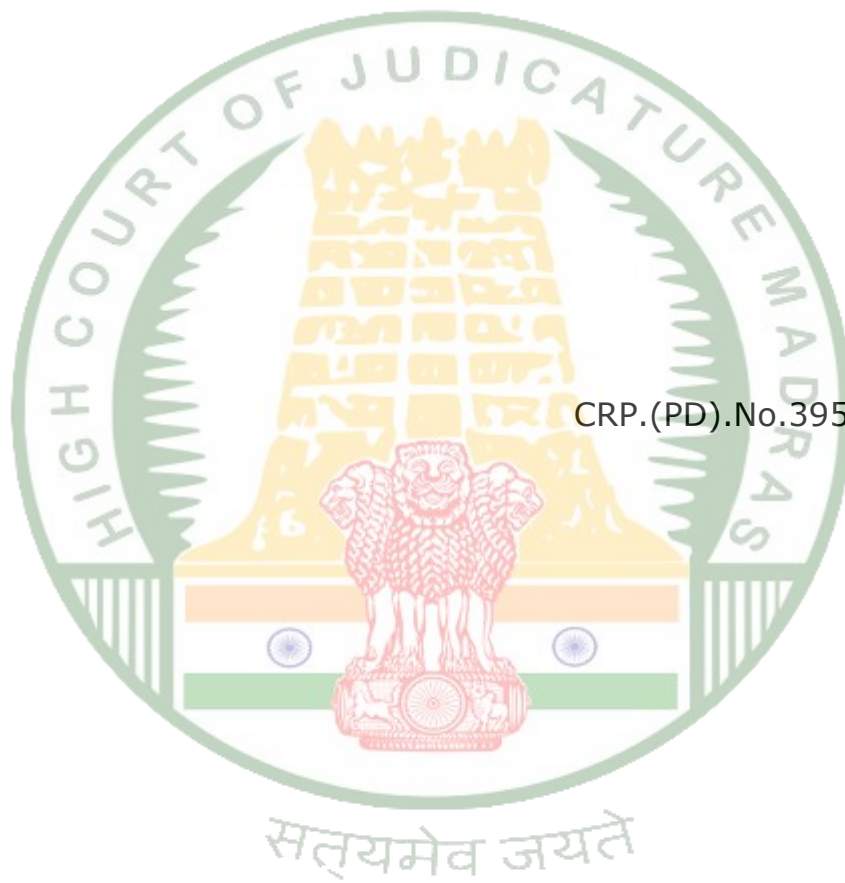
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Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

To
The Additional District Judge (FTC),
Arni, Thiruvannamalai District.

V.BHARATHIDASAN

mrp



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