

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 516 of 2020
and
C.M.P. 2762 of 2020

T.Karthikeyan

... Petitioner

Versus

1. N.Vasantha Mani
2. S.Paul Muthaiah
3. S.Udayani Manjula
4. S.Lesly Dhanraj
5. S.Arun Santharaj

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 27.04.2019 passed in I.A. 1256 of 2018 in O.S. 151 of 2009 by the learned District Munsif at Chengalpattu.

For Petitioner : Mr.R.Sreedhar

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's applications to reject the plaint.

2. The respondents 1 and 2 have filed a suit for declaration to declare the sale deed dated 25.09.2007 executed in favour of petitioner/1st defendant's father as null and void, and also for consequential injunction. Pending suit, the petitioner/1st defendant has filed an application to reject the plaint, on the ground that, the plaint does not disclose the cause of action. That application came to be dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by the learned counsel appearing for petitioner and perused the records carefully.

4. On perusal of records, it is seen that, the present application has been filed to reject the plaint, on the ground that, the plaint does not disclose cause of action. The plaintiffs have filed a suit to set aside the sale deed, on the ground that, originally, the suit property belonged to the grandfather, and

after his death, the plaintiffs and other legal heirs have inherited the same by oral partition and they are in possession and enjoyment of the suit property. Now, without their knowledge, the sale deed has been executed in favour of 1st defendant, and the plaintiffs have not filed any supporting document to prove their case.

5. A careful reading of the plaint, it clearly make out a cause of action, whether the plaintiff has nay right over the property or not is to be decided in the trial. At this stage, the averments made in the plaint is presumed to be true, and it only germane to decide the application. Hence, at this stage, the suit cannot be rejected based on the contention of the defendants.

6. However, it is needless to state that, it is for the plaintiffs to prove their title through acceptable evidence. The Trial Court, after considering the entire materials, has rightly dismissed the application. I have gone through the materials available on record, I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition.

7. However, considering the fact that, the suit is pending from the year 2009, the Trial Court is directed to proceed with the trial, and dispose of the Suit within a period of six months from the date of receipt of the copy of this order.

8. With the above direction, the present Civil Revision Petition stands dismissed. No costs. Consequently, the Civil Miscellaneous Petition is closed.

10.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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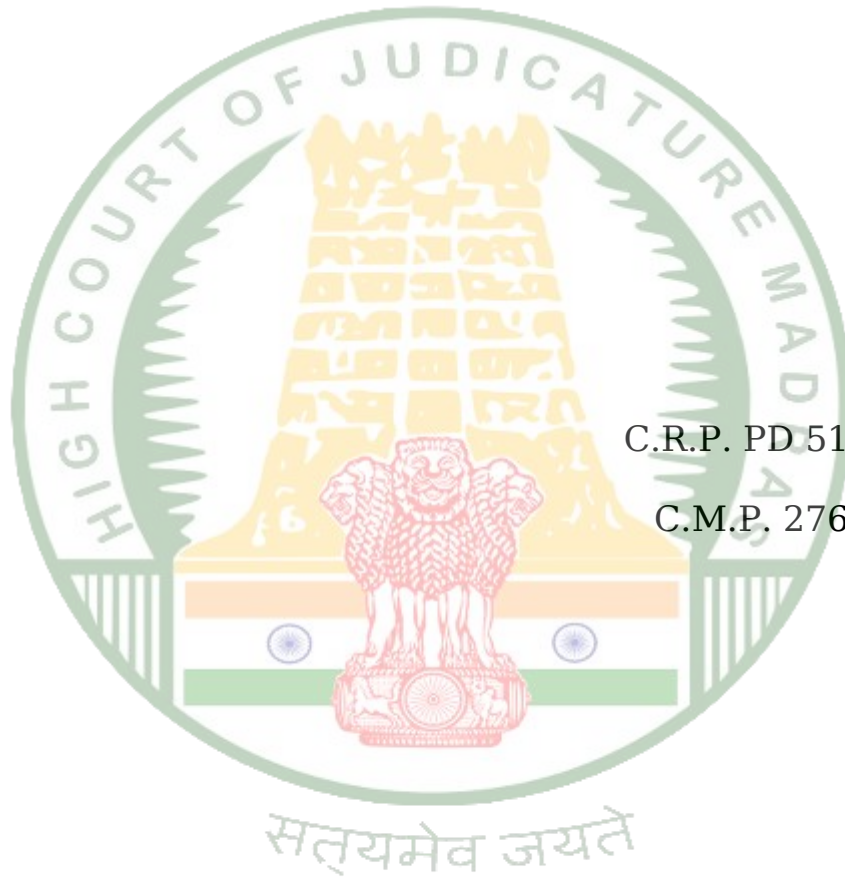
District Munsif,
Chengalpattu.



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V.BHARATHIDASAN,J.

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