

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.No.4754 of 2013
and M.P.No.1 of 2013

1.Gayathiridevi Chit Funds Private Limited
Represented by Managing Director,
N.Sakunthala.

2.N.Sakunthala

...Petitioners

Versus

R.V.S.Social Service,
represented by its partner,
Dr.K.Kuppusamy,
No.238, Trichy Road, Sulur,
Coimbatore District.

...Respondents

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order dated 03.09.2013 passed in I.A.No.799 of 2012 in O.S.No.639 of 2009 by the learned V Additional District and Sessions Judge, Coimbatore and allow the I.A.No.799 of 2012 in O.S.No.639 of 2009, on the file of the learned V Additional District and Sessions Judge, Coimbatore.

For Petitioners : Mr.T.Saikrishnan
for M/s.Sai Bharath and Ilan
For Respondent : Ms.H.Mary Sowmi Rexi
for Mr.P.Godson Swaminathan

ORDER

This Civil Revision Petition has been filed against the order passed by the learned V Additional District and Sessions Judge, Coimbatore in I.A.No.799 of 2012 in O.S.No.639 of 2009, dated 03.09.2013.

2 The defendants in the suit O.S.No.639 of 2009 are the revision petitioners herein.

3 Brief facts of the case are as follows:
One Mr.Dr.K.V.Kuppusamy has filed a suit in O.S.No.639 of 2009, before the learned District Judge, Coimbatore, for

recovery of money and the same was ordered. Thereafter, the defendants in the suit have filed an application under Order 7 Rule 11 of CPC in I.A.No.799 of 2012, before the learned V Additional District and Sessions Judge, Coimbatore, for seeking relief of rejection of the plaint and the same was dismissed. Hence, the Civil Revision Petition.

4 Heard both sides and perused the materials placed on record.

5 On a perusal of the records, it is seen that the Trial Court has rejected the petition filed by the defendants/revision petitioners for rejection of plaint, on the ground that earlier application in I.A.No.240 of 2010 was dismissed on 18.03.2011 itself and with regard to the other pleas whether the registration of the firm and date of registration of the partnership firm are the subject matter of the Trial Court, this Court is of the considered view that order passed by the Trial cannot be found fault. However, it is open to the petitioners/defendants to raise their objections by way of letting in evidence or during the cross-examination.

6 In the result, the Civil Revision Petition stands dismissed and the order passed by the learned V Additional District and Sessions Judge, Coimbatore in I.A.No.799 of 2012 in O.S.No.639 of 2009, dated 03.09.2013 is hereby confirmed with liberty as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

The V Additional District and Sessions Judge,
Coimbatore.

+1cc to M/s.Sai & Bharath, Advocate Sr.No.3415

+1cc to M/s.P.Godson Swaminathan, Advocate Sr.No.4020

AKM/03.03.2020/2P-4C/

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