

A.No.1202 of 2021
in C.S.No.764 of 2018

N.SESHASAYEE, J.

The applicant, 4th defendant herein has filed this application for rejecting the plaint. The plaintiffs do not file any counter, however, this Court heard the arguments of the applicant especially on the merit and its sustainability in law.

2.Application is filed under Order VII Rule 11(a) r/w. Section 151 of C.P.C. seeking rejection of suit for abuse of judicial process. The first allegation is that the name of the plaintiff is not M.Mohan as he was disclosed in the plaint but it is Mohan Mac. Secondly, he could not have been in India to verify the plaint and for signing vakalat on 12.07.2017, or to file an affidavit filed in support of the application for attachment before judgment on 08.08.2017. Thirdly, the defendant to be represented as the 1st defendant, whereas M/s.Dakshin Promoters Pvt. Ltd., Mohan Mac and another as the Directors of the company.

N.SESHASAYEE, J.

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3. So far as the last of the allegations made is concerned, the plaintiff has come out against a wrong defendant, it is his problem and he will invite consequences on his cause of action. So far as the other two aspects are concerned, they by themselves are absolutely pre-mature, and any presumption that they by themselves would demonstrate that the plaintiff has engaged in abuse of judicial process cannot be easily be read into his conduct merely because certain doubts are created by defendants. They require candid finding of the Court.

4. I do not find any merit in this application. This application stands dismissed accordingly.

सत्यमेव जयते

17.08.2021

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