

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P(PD).No.3816 of 2013

and

M.P.No.1 of 2013

1.K.Santhi
2.K.Chakrapani
3.K.Mahalakshmi
4.K.Venkatalakshmi

..Petitioners

Vs.

1.V.Balaji
2.S.Devipriya

..Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal order in I.A.No.238 of 2013 in O.S.No.14 of 2013 dated 18.07.2013 on the file of the Principal District Judge, Villupuram.

For Petitioners :

Mr.M.Gnanamoorthy
For Mr.N.Suresh

For Respondents :

M/s.R.Meenal
[For R1 & R2]

ORDER

The Fair and Decreetal order passed in I.A.No.238 of 2013 in O.S.No.14 of 2013 dated 18.07.2013 is under challenge in the present Civil Revision Petition.

2. The defendants are the petitioners in the Revision Petition. The respondents instituted a suit for Declaration and the petitioner / defendants filed an Interlocutory Application for rejection of plaint under Order 6 Rule 6 of the Code of Civil Procedure. The said application was dismissed by the Trial Court. Challenging the same, the present Civil Revision Petition is filed.

3. The findings of the Trial Court reveals that the grounds raised by the petitioners are not falling within the scope and ambit of Order 7 Rule 11 of the Code of Civil Procedure and all those grounds are to be adjudicated in a full fledged trial and the plaint cannot be rejected on those grounds.

4. This Court is of the considered opinion that the very object of Order 7 Rule 11 is to avoid vexatious and unnecessary litigations.

Therefore, the Courts are expected to entertain a petition for rejection of plaint strictly in accordance with the provisions of Order 7 Rule 11 and not otherwise. The grounds falling beyond the scope of Order 7 Rule 11 cannot be considered for the purpose of rejection of plaint and all those grounds are to be adjudicated during the trial between the parties.

5. This being the principles to be followed, this Court is of the opinion that the trial Court has rightly considered the issues and not committed any error, so as to interfere with the order impugned.

6. Accordingly, the Fair and Decreetal order dated 18.07.2013 passed in I.A.No.238 of 2013 in O.S.No.14 of 2013 stands confirmed and consequently, C.R.P.(PD).No.3816 of 2013 stands dismissed. No costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

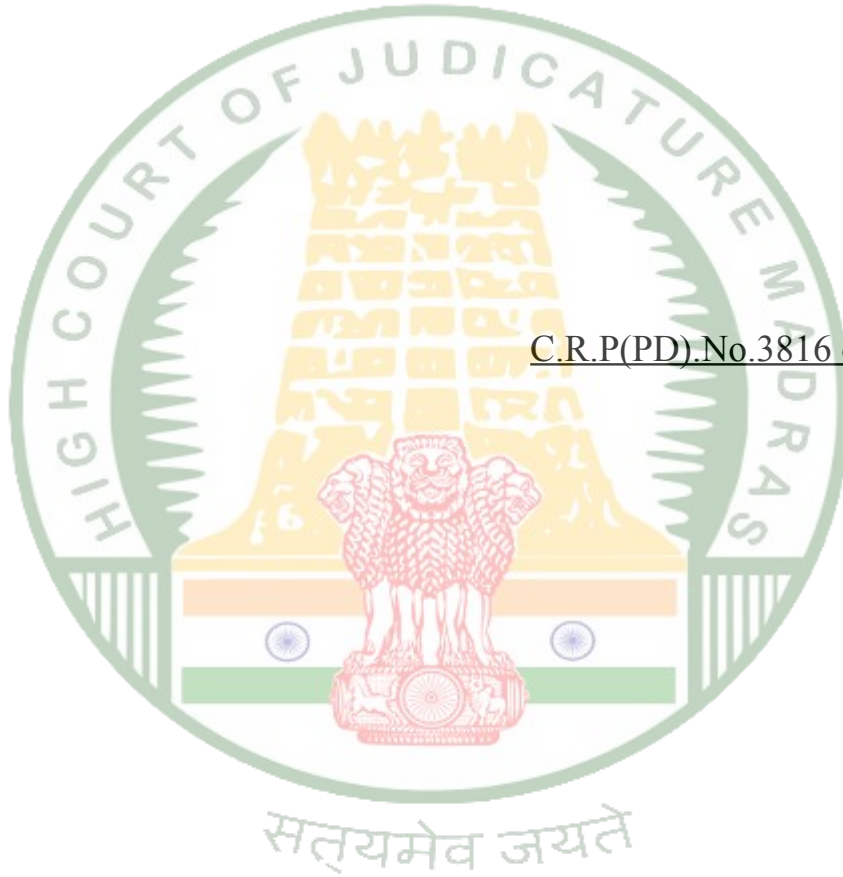
Speaking order/Non-Speaking Order

C.R.P(PD).No.3816 of 2013

S.M.SUBRAMANIAM, J.

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To
1. The Principal District Judge,
Villupuram.



C.R.P(PD).No.3816 of 2013

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