

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.PD.No.3045 of 2018

and

C.M.P.No.17682 of 2018

1. Amsaveni
2. Sudha
3. Manju
4. Ramasoorya

... Petitioners

Vs.

Revathi

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 19.07.2018 passed in I.A.No.48 of 2018 in O.S.No.12 of 2017 on the file of the III Additional District Judge, Kallakurichi, allow the same.

For Petitioners : No Appearance

For Respondent : No Appearance

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.48 of 2018 in O.S.No.12 of 2017 dated 19.07.2018 on the file of the learned III Additional District Judge, Kallakurichi, thereby dismissing the petition for rejection of plaint.

2. The petitioners are the defendants and the respondent is the plaintiff. The respondent filed the suit for recovery of money. While pending the suit, the defendants filed a petition for rejection of plaint on the ground that the suit itself is barred by limitation. Further contented that the father of the second defendant never borrowed any loan by depositing the title deed dated 03.05.1979 as alleged in the plaint. The mortgage deed produced by the plaintiff is an un-registered one and it is not a valid admissible document in the eye of law and as such, the plaint is liable to be rejected.

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3. The learned counsel for the petitioners submitted that on the request of the petitioners, he already handed over the bundle and also given

change of Vakalat long back. Even then, the petitioners failed to engage any advocate to represent on their behalf and none appeared today either by counsel or by persons.

4. The Court below dismissed the petition for rejection of plaint on the ground that the parties should let in evidence to prove the contentions raised by the petitioners. The cause of action of the plaint is vital of facts and law and it cannot be rejected at its lemini. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.07.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

1. The III Additional District Judge, Kallakurichi.
2. The Section Officer,
V.R.Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

Kv



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