



C.R.P.(PD) No.999 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.999 of 2022
and C.M.P.No.5189 of 2022

1.Rajappa
2.Murugesh

... Petitioners

Vs.

1.Nagarathnamma
2.Ramasamy Reddy

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal orders passed in I.A.No.1 of 2020 in O.S.No.286 of 2019 on the file of the learned Principal Subordinate Judge, Hosur dated 23.11.2021.

For Petitioners : Mr.R.Aparna

ORDER

This Civil Revision Petition has been filed challenging the order of the learned Principal Subordinate Judge, Hosur dated 23.11.2021 made in I.A.No.1 of 2020 in O.S.No.268 of 2019.



WEB COPY

2.The revision petitioners are the defendants 2 and 3 in the suit and they filed a petition under Order VII Rule 11 CPC for rejection of the plaint and the same was dismissed. Aggrieved over this, the revision petitioners have filed this present petition.

3. The learned counsel for the petitioners submitted that there is no cause of action for this suit.

4.The first respondent/plaintiff has sought a relief of declaration and recovery of possession, on the basis of certain averments made in the plaint. There are documents filed in support of the plaint. On the face of the plaint, the petitioners seem to have got cause of action. The genuineness of the cause of action or the merits of the case or whether the plaintiff had joined two different cause of action etc can be the matters that have be decided by the learned trial Judge on the basis of the materials produced before the Court. The non-maintainability of the suit cannot be presumed, when the averments made in the plaint and documents filed show a prima facie case.



C.R.P.(PD) No.999 of 2021

WEB COPY

5. The learned trial Judge has rightly dismissed the petition filed Order VII Rule 11 of CPC. In such circumstances, I do not find any reason for interference.

6. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Principal Subordinate Judge, Hosur, dated 23.11.2021 made in I.A.No.1 of 2020 in O.S.No.286 of 2019, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

10.06.2022

Index : Yes/No
Speaking Order : Yes / No
vkr

To

1. The Principal Subordinate Judge,
Hosur.

2. The Section Officer,
VR Section, Madras High Court,
Chennai.



WEB COPY



C.R.P.(PD) No.999 of 2022

R.N.MANJULA, J.,

vkf

C.R.P.(PD).No.999 of 2022
and C.M.P.No.5189 of 2022

10.06.2022