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A.No.496 of 2022
in
C.S.No.355 of 2021
P.VELMURUGAN, J.

In the suit filed for specific performance and for permanent injunction, the applicant/defendant has filed this application under Order XIV Rule 8 of O.S.Rules r/w Order VII Rule 11 of C.P.C seeking to reject the plaint in C.S.No.355 of 2021, on the ground that the plaint does not disclose the cause of action.

2.The learned counsel for the applicant/defendant would submit that paragraph No.7 of the plaint itself shows that the plaintiffs have not shown any cause of action to file the suit. He would further submit that the parties to the contracts are different and that sale consideration was not paid to the vendor and the sale agreement itself is null and void. Further the plaintiffs have not acted as per the sale agreement and hence, the plaint is to be rejected.

3. Heard the learned counsel for the applicant and the learned counsel for the respondents and also perused the materials available on record.



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4. It is settled proposition of law that while deciding the application under Order VII Rule 11 of C.P.C., the Court has to see the averments in the plaint and not the defence taken by the defendants and the documents relied upon by the defendants. A careful reading of the averments in the plaint, this Court finds that the plaint itself discloses the cause of action and the points raised by the learned counsel for the applicant/defendant is a matter for trial and it can be decided only after recording the evidence and not at this stage. The applicant/defendant has not made out any ingredients for rejecting the plaint under Order VII Rule 11 of CPC and therefore, this Court does not find any merit in this application and the same is liable to be dismissed. Accordingly, this application is dismissed.

5. The learned counsel for the defendant is directed to file a written statement in C.S.No.355 of 2021.

6. List C.S.No.355 of 2021 on 11.04.2022.

15.03.2022

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