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A.No.2502 of 2020 and O.A.Nos.422 and 423 of 2020 and
A.No.946 of 2021 in C.S.No.233 of 2020

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P.VELMURUGAN,J.

The respondents/plaintiffs have filed the suit in C.S.No.233 of 2020, in which the applicant/defendant has filed an application in A.No.2502 of 2020 under Order 7 Rule 11 of CPC to reject the plaint.

2. The learned counsel for the applicant/defendant would submit that the plaintiffs have not disclosed the cause of action. Further, the plaintiffs have admitted that they are tenant and that a tenant cannot claim partition in any of the property. Further, he would submit that the documents have been forged and even the consent letter is a forged document and not a genuine one. Therefore, the plaint has to be rejected .

3. The learned Counsel for the respondents/plaintiffs would submit that the plaintiffs have disclosed the cause of action and none of the ingredients of the Order 7 Rule 11 of CPC is attracted in this application. Therefore, the application for rejection of plaint may be dismissed.



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4. Heard both sides and perused the records.

5. This Court carefully gone through the plaint and the plaint discloses the cause of action. Whether the cause of action is genuine or not and whether the documents are genuine or not can be decided after recording evidence. It is settled proposition of law that at the time of deciding the application under Order 7 Rule 11 of CPC, the Court has to see the averments of the plaint and documents annexed to it and not the defence taken by the defendant. There is no merit in this application and the application is liable to be dismissed.

6. Accordingly, the application in A.No.2502 of 2020 is dismissed.

7. The applicant/defendant is directed to file written statement within a month preferably on or before 14.03.2022 and serve a copy of the same on the plaintiffs' counsel well in advance.

8. List the matter on 15.03.2022.

14.02.2022

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