



A.Nos.4435 of 2022 & 2319 of 2023

in C.S.No.122 of 2022

N.SATHISH KUMAR, J.

This suit has been filed for recovery of money on the basis of the promissory notes.

2. The defendant being the younger brother has come up with the application in A.No.4435 of 2022 seeking to reject the plaint mainly on the ground that he has not executed any promissory notes and no consideration whatsoever is received. It is, further, alleged in the application that the pre-suit notice has not been issued. Hence, the suit has to be rejected.

3. The other application in A.No.2319 of 2023 has been filed to produce the IT Returns.

4. At this stage, this Court, on perusal of the application, is of the view that this application is nothing but frivolous, filed, in delaying tactics. The suit can be rejected only in the circumstances narrated under Order VII Rule 11. On factual aspect and denial of document or execution of document is not a ground to reject the plaint. Whether the applicant has not received any amount nor executed any document is a matter of evidence,



which could be tested only in the trial. This application is premature which is sought to contend that those documents have not been executed nor there is a sale consideration. Such view of the matter, I do not find any merits to reject the plaint and to direct the plaintiff to produce the documents at this stage.

5. Accordingly, these applications are dismissed. Post the main suit on 23.11.2023. In the meanwhile, the defendant is directed to file the written statement by then.

07.11.2023

dhk



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