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A.No.5217 of 2022 in C.S.No.506 of 2018

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in

C.S.No.506 of 2018

N.SATHISH KUMAR, J.

This application has been filed by the second and third defendant's to reject the plaint filed under Order VII Rule 11 of Code of Civil Procedure.

2. The main ground on which the suit sought to be rejected is that there was collusion between the plaintiff and the first defendant and having received consideration, the document cannot be assailed. Hence, the plaint is sought to be rejected.

3. I have heard the learned counsel on either side and perused materials. A perusal of the allegations found in the affidavit, this application cannot be entertained. The suit can be rejected only on the grounds set out in Order XI Rule 7 CPC, which reads as follows :



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(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law.

4. It is relevant to note that even clause b and c set out above will not apply to the Chartered High Courts as per Order XLIX Rule 3 of CPC. In such view of the matter, the suit can be rejected only if there is no cause of action or the suit is barred by any law or it is not filed in duplicate and on failure to comply the Rule under Order VII Rule 11 of CPC. Merely on the basis of the allegation that there was collusion between the parties, the suit



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cannot be rejected. Whether or not, there is collusion, is a matter of evidence and it has to be decided only during the trial. Hence, I do not find any merits in this application.

5. Accordingly, this application is dismissed.

22.11.2023

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