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CRP No.3992 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-01-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.3992 of 2022

1.V.Poornima
2.N.Rajesh

.. Petitioners

vs.

D.Kannadasan

.. Respondent

PRAYER : This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, against the order and decretal order dated 14.09.2022 passed in IA No.4 of 2021 in OS No.76 of 2018 on the file of the Additional Subordinate Court, Ponneri.

For Petitioners : Mr.R.Rajesh Vivekananthan

For Respondent : Mr.S.Vijayanand



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ORDER

The present Civil Revision Petition has been filed against the fair and decretal order dated 14.09.2022 passed in IA No.4 of 2021 in OS No.76 of 2018 on the file of the Additional Subordinate Court, Ponneri.

2. The revision petitioners are the defendants in the suit filed by the respondent for permanent injunction. The revision petitioners filed an Interlocutory Application under Order VII, Rule 11 CPC for rejection of plaint in OS No.76 of 2018.

3. The ground mainly raised by the revision petitioners is that the cause of action has not been properly set out and thus the plaint is to be rejected. For rejection of the plaint under Order VII, Rule 11 CPC, the plaint as a whole, must be considered by the Court. The cause of action paragraph set out in the plaint must be considered along with the other averments stated in the plaint as a whole.



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4. In the present case, the description of the property and other details for the purpose of seeking the relief of injunction has been set out in the plaint elaborately.

5. The Trial Court considered the plaint as a whole and formed an opinion that the ground raised for rejection of plaint deserves no merit consideration. Such triable issues cannot be a ground for rejection of plaint. Thus, this Court do not find any infirmity in respect of the order impugned passed by the Trial Court.

6. Accordingly, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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To

The Additional Subordinate Judge,
Additional Subordinate Court,
Ponneri.

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