



A.No.6237 of 2022 in C.S.No.131 of 2023

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N.SATHISH KUMAR, J.

This application has been filed by the defendant nos.2 to 4 and 6 to reject the plaint filed under Order VII Rule 11 of Code of Civil Procedure.

2. The suit has been filed to direct the defendants to pay a sum of Rs.1,61,51,265/- together with interest. It is the case of the plaintiff that even after completion of the works, the defendants have not paid the amount. The first defendant is the company and the other defendants are its Directors. Therefore, the suit has been filed for recovery of the said amount along with interest. This application has been taken out by the defendants mainly on the ground that the suit is not maintainable as against them and there is no cause of action against these defendants.

3. On a perusal of the affidavit filed along with the application, except stating that there is no cause of action against the applicants, there is



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no other allegation to raised in the application. For deciding the application filed under Order VII, Rule 11 CPC, the allegations in the plaint are required to be seen. When the plaintiff has clearly pleaded that the first defendant is the company and the other defendants are its Directors, on the basis of mere submissions in the affidavit filed along with the application, they cannot seek for rejection of the plaint. Hence, I do not find any ground made out by the applicants to reject the plaint and this application is nothing but frivolous in nature and only to protract the proceedings, this application has been filed.

5. Accordingly, this application is dismissed. Post the suit on 15.12.2023 for filing written statement by the defendants.

24.11.2023

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