



C.R.P(MD)No.603 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.08.2023**

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.603 of 2019

and

C.M.P(MD)No.3029 of 2019

Rengasamy

... Petitioner/Petitioner/
1st Defendant

Vs.

1.Minor.Abirami

Through her Natural Guardian,
Mother Aarokiya Jeyarani.

...1st Respondent/
1st Respondent/Plaintiff

2.Karuppiah

...2nd Respondent/
2nd Respondent/
2nd Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.1309 of 2018 in O.S.No.548 of 2012 on the file of the Additional District Munsif Court, Dindigul, dated 04.02.2019.

For Petitioner : Mr.T.R.Subramanian

For Respondent : No Appearance



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ORDER

This civil revision petition has been filed against the order passed by the Additional District Munsif Court, Dindigul in I.A.No.1309 of 2018 in O.S.No.548 of 2012, dated 04.02.2019.

2. The petitioner herein is the petitioner/first defendant, the first respondent herein is the first respondent/plaintiff and the second respondent is the second respondent/second defendant before the Court below.

3. For the sake of convenience, the parties will be referred as per the litigative status before the Trial Court.

4. The learned counsel for the petitioner herein submits that the first respondent/plaintiff has filed a suit for relief of declaration, for recovery of possession and to set aside the sale deed executed by the petitioner/first defendant in favour of the second defendant. In the said suit, the petitioner/first defendant has filed an application to reject the plaint on the following grounds:



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- (i) Prayer sought for by the plaintiff is mutually contrary;
- (ii) The plaint is not valid on the ground of non-joinder of necessary party;
- (iii) The plaint do not disclose the cause of action.

5. It is a well settled principle of law that any of the ground mentioned under Order 7 Rule 11 of C.P.C. is not explicit in the plaint, the question of invoking Order 7 Rule 11 of C.P.C. would not come. Here admittedly, the only ground which come within the frame work under Order 7 Rule 11 of C.P.C. would be the non-disclosure of cause of action in the plaint. Though the petitioner has contended that the plaint does not disclose the cause of action, if we go through the plaint pleadings, this Court able to find a separate paragraph in Paragraph No.6 detailing about the cause of action. Therefore, though the petitioner contended that the plaint does not disclose the cause of action, contrary to the same, the plaintiff has referred in detail explaining the cause of action.

6. Therefore, the argument of the learned counsel for the petitioner in respect of non disclosure of cause of action cannot be accepted at all.

Apart from the above ground, other grounds, namely, non-joinder of



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necessary party could not come within the frame work under Order 7 Rule 11 of C.P.C. Therefore, this Court does not find any ground to interfere with the well considered order of the Court below.

7. In the result, this Civil Revision Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

09.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Additional District Munsif Court,
Dindigul.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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