



C.R.P.(MD).No.2547 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.2547 of 2018

and

C.M.P(MD) No.11194 of 2018

1. Nagarajan

2. Sathya Chidambaran (MS/2201/2011)

Advocate,
Chamber No.34,
Madurai Bench of Madras High Court,
Madurai – 625 023.

3. Santhanam Rajeshkumar (MS/2130/2011)

Advocate,
Chamber No.34,
Madurai Bench of Madras High Court,
Madurai – 625 023.

4. Saravanan (MS/1531/2014)

Advocate,
Chamber No.34,
Madurai Bench of Madras High Court,
Madurai – 625 023.

... Revision Petitioners/Petitioners/
Defendants 1 to 4

-vs-

M.Thavamani

... Respondent/Respondent/
Plaintiff



C.R.P.(MD).No.2547 of 2018

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.09.2018 in I.A.No.618 of 2018 in O.S.No.163 of 2017 on the file of the learned Subordinate Judge, Ramanathapuram.

For Petitioners : Mr.K.Navaneetharaja

For Respondent : Mr.M.Thirunavukkarasu

ORDER

The present Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.09.2018 in I.A.No.618 of 2018 in O.S.No.163 of 2017 on the file of the learned Subordinate Judge, Ramanathapuram.

2. The petitioners herein are the defendants 1 to 4 and the respondent herein is the plaintiff before the Court below.

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



C.R.P.(MD).No.2547 of 2018

WEB COPY

4. It appears that the respondent/plaintiff has filed the suit for damages against the petitioners herein. In the said suit, the petitioners have filed an application under Order 7 Rule 11 of C.P.C, by raising the following grounds before the Court below, as discussed by the Court below in paragraph No.14:

“14. The petitioners in this petition have stated the following grounds to reject the plaint.

(i) The signature of the 1st petitioner found in the complaint lodged before the police and in the affidavit and vakkalath filed in Cr.O.P(MD) No.10398 of 2016 and Cont.Petition (MD) No.1120 of 2016 before the Hon'ble Madurai Bench of Madras High Court are the signatures of the 1st petitioner. The main allegation raised in the suit was that the signatures of the 1st defendant was forged by the petitioners 2 to 4 in the above said document. When the 1st petitioner has not disputed his signature in the above said documents, the allegation raised by the respondent in the main suit is baseless and hence the suit is liable to be rejected.

(ii) The Inspector of Police, Kenikarai Police Station is a necessary party to the suit and the suit is liable to be rejected for non joinder of necessary party.

Apart from the above said allegations raised by the petitioner, the counsel for the petitioner raised the following grounds in the course of his



C.R.P.(MD).No.2547 of 2018

arguments.

(iii) The main suit has been filed with false averments and the pleadings are contrary to each other.

(iv) The information report said to be issued by the Station House Officer, Crime Branch, Delhi which is marked as Ex.R-13 is forged document. The alleged date of publication in Thinakaran, Thinamalar newspaper is anterior to the date on which he was said to have lost the documents during his journey to New Delhi.

(v) Apart from the publication in newspaper alleged to be defamatory by the petitioners, the news relating to the proceedings taken against the respondent was published in various newspaper during the subsequent dates.”

5. The learned counsel appearing for the petitioners also conceded that only on the basis of the reasons stated in paragraph No.14 of the impugned order, they moved an application under Order VII Rule 11 of C.P.C.

6. This Court has given anxious consideration to the submissions of the learned counsel on either side and perused the records.



C.R.P.(MD).No.2547 of 2018

WEB COPY

7. As lucidly elucidated by the Court below, the reasons propounded by the petitioners for the rejection of plaint is not come with in the contents of under Order VII Rule 11 of C.P.C. Therefore, the Court below has rightly dismissed the application.

8. This Court also could not find any manifest error in the said order and the petitioners also have not brought out any material, so as to interfere with the well considered order of the trial Court.

9. At this juncture, the learned counsel for the petitioners would also submit that the suit in which the rejection of plaint application was filed, has been dismissed for default on 07.06.2023.

10. Therefore, this Court is of the view that, for the reasons stated above, there is no merit in the above Civil Revision Petition.



C.R.P.(MD).No.2547 of 2018

WEB COPY

11. In the result, this Civil Revision Petition is **dismissed**. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

08.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Subordinate Judge,
Ramanathapuram.



WEB COPY



C.R.P.(MD).No.2547 of 2018

C.KUMARAPPAN,J.

ebsi

C.R.P(PD)(MD)No.2547 of 2018

08.08.2023