



C.R.P.(MD)No.2518 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

C.R.P.(MD)No.2518 of 2017

and

CMP(MD)No.11810 of 2017

1.M.Alaguthankamani

2.M.Sivakumar

... Revision Petitioners/Petitioners/

Defendants

Vs.

Saravanan

... Respondent/ Respondent / Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order, dated 22.08.2017, made in I.A.No.123 of 2017, in O.S.No.21 of 2015 on the file of the District Munsif Court, Kovilpatti.

For Petitioners : Mr.P.Pethu Rajesh

For Respondent : Mr.L.Shaji Chellan

ORDER

The instant Civil Revision Petition has been filed, against the order, dated 22.08.2017, made in I.A.No.123 of 2017, in O.S.No.21 of 2015 on the file of the District Munsif Court, Kovilpatti.



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2. The revision petitioners herein are the defendants and the respondent herein is the plaintiff before the trial Court.

3. The brief facts, which give rise to the instant revision petition, are as follows :-

The respondent / plaintiff has filed a suit for declaration and possession, based upon the sale deed, registered under Document No. 2301/2012, executed by one Balrathi in favour of the respondent herein, viz., Mr.Saravanan. The petitioners / defendants have filed an application for rejection of plaint on the ground that, on the date of filing of the plaint, the sale deed, viz., on 04.02.2015, which is basis for the plaintiff was cancelled by way of the cancellation of sale deed, dated 30.01.2015 registered in Document No.300/2015. Therefore, it is the submission of the petitioners / defendants that when the respondent / plaintiff filed a suit, the very basis of his claim, namely, sale deed, Document No.1301/2012 was cancelled. Therefore, he has no cause of action to pursue the suit. Hence, he prayed for the rejection of the plaint.



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4. However, the respondent / plaintiff has filed a counter statement disputing the allegations of the petitioners / defendants and would also submit that since there was some cloud in the title, they have filed the suit for declaration and would also submit that under Order 7 Rule 11 C.P.C, the petitioner cannot request the Court to go into the document beyond the plaint. Therefore, prayed for dismissal of the suit.

5. I have given my anxious consideration to the either side submission.

6. The main contention put forth by the learned counsel for the petitioners / defendants is that, as per the plaint, the plaintiff derived his title only by virtue sale deed, in Document No. 2301/2012, dated 25.01.2012. Whereas, the said sale deed was cancelled, on 16.01.2015, more particularly, prior to the date of filing of the suit on 04.02.2015.

7. However, from the reading of the plaint, this Court could not infer anything about the arguments put forth by the learned counsel for the petitioner. It is settled preposition of law that whenever an application is



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filed for rejection of plaint, the Court while presuming the plaint averments are true and while reading the plaint, in such a way, if the ground raised under Order 7 Rule 11 C.P.C, emerges, then only, the Court can intervene and pass order under Order 7 Rule 11 C.P.C.

8. The learned trial Judge has referred the judgments reported in *2013-6-CTC-481 (The Madras Race Club, rep. by its Secretary, Guindy V. M.Victor)*; *2014-3-LW-419 (Narasu's Coffee Company V. R.Sarathy)*; *2016-2-MWN (Civil)-318 (K.Ramadoss V. E.Stalin)* and *2014-1-CTC-160 (M.Prince Manohar V. Bhima Lakshmi Narasammah)* and ultimately, found that the plaint cannot be rejected, based upon any other external document beyond the plaint.

9. This Court is of the firm view that the findings of the learned trial Judge do not require any interference by this Court. Therefore, this Court is not inclined to interfere with the same. Hence, the instant Civil Revision Petition is **dismissed**.



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10. Considering the pendency of the suit, since 2015, the learned trial Judge is directed to dispose of the suit as expeditiously as possible.

There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

17.07.2023

To

1.The District Munsif Court,
Kovilpatti.

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



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C.KUMARAPPAN.,J.

Ls

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