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A.No.3380 of 2024
in C.S.(Comm.Div.)No.79 of 2024

SENTHILKUMAR RAMAMOORTHY,J

The applicants/defendants 1 to 5 seek rejection of the plaint. Such application is filed both under Order VII Rule 11(a) & (d) of the Code of Civil Procedure. According to the applicants, suit document no.3, which is the promissory note dated 05.05.2020, is a fabricated document. The applicants further allege that the plaintiff suppressed the initiation of a parallel proceeding under Section 138 of the Negotiable Instruments Act, 1881 in CrI.M.P.No.54 of 2023 in S.T.C.No.(un-numbered) of 2023 in the Court of the Metropolitan Magistrate (Fast Track Court No.III), Saidapet, Chennai. On the above basis, the applicants seek rejection of the plaint.

2. Learned counsel for the applicants referred to paragraphs 5 & 6 of the affidavit and submitted that the suit is based on a forgery and, consequently, such suit is barred by law. He also submits that an



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application has been filed for initiation of proceedings under Section 340 of the Criminal Procedure Code against the respondents.

3. This application is completely misconceived. The settled legal position is that an application for rejection of plaint, both under clause (a) and (d) of Order VII Rule 11, is required to be tested on the basis of statements made in the plaint. The suit is for recovery of a sum of Rs.5,92,92,000/- from the defendants. Such suit is founded, *inter alia*, on a demand promissory note dated 05.05.2020. The plaint refers to such demand promissory note *inter alia* in paragraph 9 of the plaint. The cause of action is set out at paragraph 16 thereof. From the statements made in the plaint, including the above mentioned paragraphs, it cannot be concluded that the plaint does not disclose a cause of action or that the suit is barred by law. Consequently, this application is dismissed without any order as to costs.

28.08.2024



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