



C.R.P.No.3320 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3320 of 2024

and

C.M.P.No.17792 of 2024

1.Shafina @ Uma

2.Mubeena @ Meena

..Petitioners

Vs.

A.Senthil Murugan

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the record of the lower Court and set aside the order and decretal order dated 08.03.2024 passed in I.A.No.4 of 2023 in O.S.No.498 of 2022 by the Additional District Judge, Krishnagiri and allow this Civil Revision Petition.

For Petitioners : Mr.S.Mahesh Kumar

For Respondent : Mr.A.Velmurugan



C.R.P.No.3320 of 2024

ORDER

WEB COPY

This Civil Revision Petition arises against the order passed by the Additional District Judge, Krishnagiri in I.A.No.4 of 2023 in O.S.No.498 of 2022 dated 08.03.2024.

2. O.S.No.498 of 2022 is a suit for declaration of title and for a consequential relief of injunction. The plaintiff would plead that he has purchased the property from the legal heirs of one Abdul Rahim on 13.01.2020 by way of a registered sale deed in Doc.No.108/2020 on the file of SRO, Bargur. The plaintiff would plead that the defendants have no right over the property are interfering with his possession and hence the suit.

3. On service of summons, the civil revision petitioners who have been arrayed as defendants 2 and 3 presented an application for rejection of plaint. The said application was received as I.A.No.4 of 2023. Along with the application they filed several documents in order to substantiate their plea. The plaintiff filed a detailed counter stating that this plaint should continue to be on the file of the Court and application for



C.R.P.No.3320 of 2024

rejection of the plaint deserves dismissal. The learned trial Judge has passed an order on 08.03.2024 stating “In the result, this petition is dismissed”. Aggrieved by the same, the present revision.

4. Heard Mr.S.Mahesh Kumar, learned counsel for the revision petitioners and Mr.A.Velmurugan, learned counsel for the respondent.

5. Mr.S.Mahesh Kumar, learned counsel for the revision petitioners would submit that the property originally belonged to one Abdul Rahim, who had settled the property in favour of the mother of the civil revision petitioners as early as in the year 1983. He would state that on and from 12.09.1983 when the property was settled in favour of the mother Nurjahan, the donor Abdul Rahim lost his title. He would plead that when Abdul Rahim himself lost title, the issue of legal heirs alienating the property in favour of the plaintiff does not arise. Therefore, he would state that the suit is abuse of process of law and requires to be rejected. He would refer to several documents that has been filed by him in the application filed under Order VII Rule 11 of the Code of Civil Procedure.



C.R.P.No.3320 of 2024

WEB COPY

6. Mr.A.Velmurugan, learned counsel appearing for the respondent would submit that his client is the purchaser of the property and stranger to the family. He had verified the documents of title and only thereafter his client purchased the same. He would plead that for the purpose of rejection of plaint, the Court should look only the documents filed by the plaintiff and there is no question of documents presented by the defendants being looked into.

7. I am not inclined to go into the merits of the case. I only have to add that in case the defendants have documents to show that the suit is abuse of process of law, their remedy is under Order VI Rule 16 of the Code of Civil Procedure. They are not entitled to let in evidence at the stage of Order VII Rule 11 of the Code. The Court should confine itself only to the four corners of the plaint under Order VII Rule 11 of the Code. Of course, it can look into the documents filed by the plaintiff. Beyond that referring to the documents filed by the defendants does not arise within the scope of this application. If the defendants want to file documents their remedy lies elsewhere.



C.R.P.No.3320 of 2024

WEB COPY

8. Be that as it may, a perusal of the impugned order shows that it does not reflect any determination by the learned Judge to the question that had been raised before him. An unreasoned order is not an order at all. It has been oft repeated by the Supreme Court as well as by this Court that reasons in the order is its heart beat and in bereft of the reasons, the order itself is still born. Since the order of the learned trial Judge does not reflect any application of mind nor does it show any finding on the issues raised by the plaintiff and the defendants, I am constrained to interfere with the order and set aside the same. Consequently,

1. The order in I.A.No.4 of 2023 in O.S.No.498 of 2022 dated 08.03.2024 is set aside.
2. I.A.No.4 of 2023 is restored on to the file of the learned Additional District Judge, Krishnagiri.
3. The learned Judge shall hear the arguments of the plaintiff and the defendants and proceed to pass fresh orders giving reasons for arriving at his conclusion.
4. Since the pleadings are complete, the said exercise will be completed within a period of four weeks from the date of receipt of a copy of the order.



C.R.P.No.3320 of 2024

9. The learned District Judge is requested to act on the web copy of the order when produced before him. He need not wait for the certified copy of the order. All issues are left open to the parties to agitate before the trial court.

10. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

05.09.2024

dsa
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-Speaking order



C.R.P.No.3320 of 2024

To

The Additional District Judge,
Krishnagiri.



WEB COPY



C.R.P.No.3320 of 2024

V.LAKSHMINARAYANAN,J.

dsa

C.R.P.No.3320 of 2024

05.09.2024