



CRP No.4622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.4622 of 2023 and
CMP No.27552 of 2023

1. Kannan Srinivasan
2. Satishkannan

... Petitioners

Vs.

1. A.Pazhaniraju
2. R.Seethasharmili
...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 04.09.2023 passed by the VII Additional City Civil Court, Chennai in I.A.No.3 of 2022 in O.S.No.5010 of 2020.

For Petitioners : Ms.Soumya Narayanan

ORDER

This Civil Revision Petition has been filed to set aside the order dated 04.09.2023 passed by the VII Additional City Civil Court, Chennai in I.A.No.3 of 2022 in O.S.No.5010 of 2020.

2. The petitioners herein are the defendants and the respondents



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herein had filed O.S.No.5010/2020 before the Trial Court seeking recovery of a sum of Rs.17,00,000/- along with interest from the petitioners herein. In the above suit, the petitioners/defendants also filed written statement. Subsequently, the petitioners herein had filed I.A.No.3/2022 under Order VII Rule 11(d) and Section 151 of CPC to reject the plaint on the ground that the plaint does not disclose the cause of action. The above petition was dismissed by the Trial Court, against which, this civil revision petition has been filed.

3. Heard the learned counsel for the petitioners and I have perused the materials on record.

4. The facts reveals that the petitioners who are the defendants in the above suit have filed their written statement. It appears from the records that before the Trial Court, after framing issues, trial has commenced and PW1 was examined on 29.08.2022 and Ex.A1 to Ex.A8 were marked on the side of the plaintiffs. In such circumstances, the petitioners/defendants



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herein had filed the application for rejecting the plaint, on the sole ground that the plaint did not disclose the cause of action. The learned Judge, after hearing both sides, dismissed the application observing that, in the plaint, the details about the amount borrowed by the defendants from the plaintiffs; the payment made by the defendants were stated, which would go to show that there was some cause of action in the plaint.

5. It is to be noted that only after filing the written statement, that too after examination of PW1 and marking documents as Ex.A1 to Ex.A8, the petitioners have filed the application to reject the plaint. When the respondents/plaintiffs gave details about the borrowal of money by the defendants from them and the payments made by the defendants, the cause of action has to be gathered from the avements made in the plaint and it has to be adjudicated by letting evidence. Further, non giving a separate paragraph for cause of action in the plaint, cannot be a ground for rejecting the plaint. As such, the Trial Court has rightly dismissed the application, and I do not find any reason to interfere with the well reasoning order.



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Hence, the civil revision petition is liable to be dismissed.

6. In fine, this Civil Revision Petition is dismissed and the impugned order passed by the Trial Court is confirmed. Consequently, connected miscellaneous petition is closed. No costs.

08.01.2024

Index: Yes/No
Internet: Yes/No
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To

VII Additional Judge,
City Civil Court, Chennai.



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V.SIVAGNANAM, J.,

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