



C.R.P.No.2053 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.2053 of 2025 and CMP Nos.11958 and 9442 of 2025

G.Yengaiah

... Petitioner

VS

Tamilselvam

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order made in I.A.No.06 of 2024 in O.S.No.2855 of 2023 dated 27.03.2025 on the file of XVI Additional City Civil Court, Chennai.

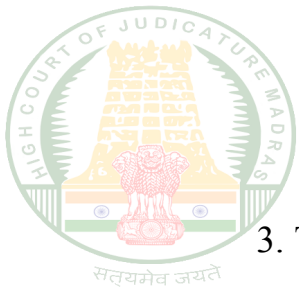
For Petitioner

: Mr.K.Karthikeyan

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner has filed the present revision, challenging the order passed by the learned XVI Additional District Judge, City Civil Court, Chennai in I.A.No.06 of 2024 in O.S.No.2855 of 2023, dismissing the application to reject the plaint in O.S.No.2855 of 2023.



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3. The petitioner has taken out an application under Order VII Rule 11(a) and (d) of Civil Procedure Code to reject the plaint on the ground that there is no cause of action in filing the suit and therefore the plaint is liable to be rejected.

4. Learned counsel for the petitioner/defendant would strenuously attempt to point out the inconsistency in the case of the plaintiff, by referring to the order passed in the earlier civil proceedings under Section 89 of the Code of Civil Procedure. Learned counsel contends that it was impossible for the plaintiff to get a cause of action for filing the suit.

5. Be that as it may, in any application, filed under Order VII Rule 11 of Civil Procedure Code, the Court while considering the application filed to reject the plaint, the averments made in the plaint and the documents produced along with the plaint are alone required to be seen and the defence of the defendant cannot be looked into and when the ground pleaded for rejection of the plaint is absence of cause of action, the Court has to examine the plaint and see whether any cause of action has been disclosed in the plaint.

6. On going through the impugned order, I do not see that the trial Court



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has passed any perverse order, requiring interference under Article 227 of the Constitution of India. The trial Court has rightly found that triable issues arise and the points urged have to be tested by the parties, by leading oral and documentary evidence.

7. Therefore, I see no ground to interfere with the well reasoned order passed by the learned XVI Additiional City Civil Court, Chennai in I.A.No.6 of 2025 in O.S.No.2855 of 2023.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.06.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
sr

To

The XVI Additional City Civil Court, Chennai



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P.B.BALAJI.,J.

Sr

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