



A.No.3101 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Application No.3101 of 2024

in

C.S.No.63 of 2010

Kanniappan,
S/o.Balu

... Applicant / 8th Defendant

Vs.

Sree Agatheeswarar Temple, Kolathur,
Sub Temple of Sree Prasanna Vinayagar Temple,
Park Town,

Represented by its Hereditary Trustee

K.A.Murugappan,
No.1, Venkatachalam Street,
Park Town, Chennai – 3.

... Respondent / Plaintiff

Prayer: Application filed under Order XIV Rule 8 of the Original Side Rules read with Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908, to reject the plaint as failure to disclose cause of action and as barred by law.

For Applicant : Mr.M.V.Sesachari

For Respondent : Mrs.Chitra Sampath
Senior Counsel
for Mr.T.S.Baskaran



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ORDER

The Applicant / 8th Defendant has filed this application to reject the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 as failure to disclose cause of action and as barred by law, after the Written Statement was filed.

2. The Applicant has partly acquiesced into the proceedings by filing the Written Statement.

3. The Hon'ble Supreme Court in **R.K.Roja Vs. U.S.Rayudu and another**, (2016) 14 SCC 275, taking note of the decision in **Sopan Sukhdeo Sable Vs. Charity Commissioner**, (2004) 3 SCC 137, observed as under:-

““10. The trial court can exercise the power at any state of the suit before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial.”

The only restriction is that the consideration of the application for rejection should not be on the basis of the allegations made by the defendant in his written statement or on the basis of the allegations in the application for rejection of the plaint. The court has to consider only the plaint as a whole, and in case, the entire plaint comes under the situations



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covered by Order 7 Rules 11(a) to (f) of CPC, the same has to be rejected.”

4. A reading of the above decision makes it clear that the application for rejection of the plaint at this stage is not maintainable.

5. Accordingly, this Application is dismissed.

23.04.2025
(¹/₂)

arb

C.SARAVANAN, J.



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