



C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

Vinoth Kumar

... Petitioner

Vs.

1.K.Ganesh

2.Usha Shankar

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 03.04.2025 in I.A.No.3 of 2024 in O.S.No.7186 of 2023 and call for the records on the file of the XV Assistant City Civil Court, Chennai.

For Petitioner : Mr.G.Logesh

For R1 : Mr.P.P.Vikram



C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

WEB COPY

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 03.04.2025 in I.A.No.3 of 2024 in O.S.No.7186 of 2023 and call for the records on the file of the XV Assistant City Civil Court, Chennai.

2. The second defendant in O.S.No.7186 of 2023, aggrieved by the dismissal of I.A.No.3 of 2024 has come up by way of this Revision Petition. The suit is for recovery of money as against the first defendant and the second defendant being arrayed as formal party vide I.A.No.3 of 2024 seeking rejection of the plaint under Order VII Rule 11 of CPC. The contention of the revision petitioner before the trial court was that there is no cause of action in the suit and the plaint does not disclose as to how the plaintiff is entitled to the suit claim and no supportive documents have been filed along with the plaint as well. The said application was resisted by the first respondent / plaintiff and the trial Court on enquiry found that it was not a case for rejection of the plaint,

Page 2 of 6



C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

WEB COPY as against which the present revision petition is filed.

3. The learned counsel for the petitioner / second defendant states that the second defendant had nothing to do with the suit claim and the plaintiff has not made out even a cause of action as against the first defendant to entitle him to decree of recovery of money. The learned counsel also took me through the plaint averments in this regard and states that the cause of action disclosed is illusory and the trial court ought to have rejected the plaint, by allowing I.A.No.3 of 2024.

4. Per contra the learned counsel for the first respondent / caveator would submit that the trial court has rightly dismissed the application for rejection of the plaint and there is no ground made out for filing this revision under Article 227 of Constitution of India.

5. I have carefully considered the submissions advanced by the learned counsel on either side and perused the materials.



C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

WEB COPY

6. Admittedly, the suit though filed against the revision petitioner as well as the second respondent, the relief is sought for only against the second respondent herein namely the first defendant. The suit is for recovery of money. I find from the plaint averments that there are specific averments and allegations making out a case as to how the plaintiff is entitled to recovery of money from the first defendant. I do not find that the plaint is one which is liable to be rejected on a meaningful reading of the plaint and the suit documents. The plaintiff has also relied on bank statements and screen shots of the payment made to the first defendant by the plaintiff, apart from bills relating to purchase of furniture. All these issues would have to be necessarily gone into at the time of trial and the second defendant is not entitled to have the plaint rejected. I do not find any infirmity or perversity in the findings arrived at by the trial court in dismissing I.A.No.3 of 2024. I do not find any merit and the Civil Revision Petition is liable to be dismissed.



C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

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7. In the result, this Civil Revision Petition is dismissed.

Consequently, connected Civil Miscellaneous Petition is closed.

14.08.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

P.B.BALAJI, J.

mtl

C.R.P.No.3749 of 2025
and C.M.P.No.19957 of 2025

14.08.2025