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C.R.P.(NPD) No.4892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.4892 of 2024

Mr.M.Abdul Rahman

... Revision Petitioner/Plaintiff

-VS-

1. Mrs.C.Santhi
2. Mr.Chandrababu Naidu
3. Mrs.S.Lekha
4. Mrs.C.Saranya

5. The Sub Registrar,
Sub Registrar Office,
Padappai, Sriperumbudur Taluk,
Kancheepuram District.

... Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the judgment and decree dated 14.10.2024 passed in O.S.(SR) No.2835 of 2024 on the file of the learned District Munsif at Sriperumbudur and thereby allow the Civil Revision Petition and further direct the Trial Court to number the above suit in O.S.(SR) No.2835 of 2024.

For Petitioner	: Mr.R.Abdul Mubeen
For R1 to R4	: No Appearance
For R5	: Mr.P.Gurunathan Addl. Govt. Pleader

ORDER

Challenging the impugned order, rejecting the suit even before



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numbering the same, the present revision petition has been filed.

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2. The suit had been filed by the revision petitioner / plaintiff for cancellation of General Power of Attorney dated 11.12.2023, the consequential Settlement Deeds dated 13.12.2023 and 19.02.2024 and for permanent injunction.

3. It is the case of the revisioner petitioner that the respondents had agreed to sell the suit property on receipt of entire sale consideration of Rs.85,00,000/-. Besides, they had also executed a Power of Attorney and possession had also been handed over to the revision petitioner. After 12 years, taking advantage of the fact that no document had been registered, the Power of Attorney was cancelled and settlement deeds were executed in respect of the suit property. The Trial Court refused to number the suit and rejected the plaint for non-disclosure of the cause of action, holding that there was no consideration mentioned in the Power of Attorney.

4. The casue of action is based on bundle of facts and whether the respondents received Rs.85,00,000/- or not towards sale consideration is



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a matter of evidence. Even before this Court, the respondents did not appear despite their names printed in the cause list. Therefore, this Court is of the view that the Trial Court, even before numbering the suit, ought not to have rejected the plaint. When a specific allegation is made in the plaint, it is the duty of the defendants to address all the allegations in the plaint. If the allegations are not denied specifically and only evasive denial has been made, that would amount to the proof of pleadings, as each of the plaint allegation should be dealt with specifically by the respondents in terms of Order VIII Rule 3 and 4 of CPC, which reads as follows:

“3. Denial to be specific

It shall not be sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff, but the defendant must deal specifically with each allegation of fact of which he does not admit the truth, except damages.

4. Evasive denial.

Where a defendant denies an allegation of fact in the plaint, he must not do so evasively, but answer the point of substance. Thus, if it is alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received. And if an allegation is made with diverse circumstances, it shall not be sufficient to deny it along with those circumstances.

5. Normally, a rejection of the plaint is deemed to be a Decree



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and appeal alone will lie. But, in the case on hand, the fact remains that the

suit has not been rejected on any of the grounds set out in Order VII Rule. A

suit can be rejected on the following grounds:

“11. Rejection of plaint

The plaint shall be rejected in the following cases:-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate; (f) where the plaintiff fails to comply with the provisions of rule 9;

6. In the given case, even before numbering the suit, the plaint was rejected. The Trial Court cannot assume the role of defendants and pass such an order. Considering the fact that the Trial Court passed an erroneous order without application of law, there is no bar for this Court to exercise the power under Article 227 of the Constitution of India to set right the mistake and interfere with the order . Without giving an opportunity to the revision



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petitioner, the Trial Court deprived the rights of the plaintiff and rejected the suit, which, in the considered opinion of this Court, is a clear violation of the mandate of law.

7. In view of what is stated herein-above, this Civil Revision Petition is allowed and the impugned order dated 14.10.2024 passed in O.S.(SR) No.2835 of 2024 by the District Munsif, Sriperumbudur is set aside. The Trial Court is directed to number the suit and dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs.

10.01.2025

Index: Yes / No
Internet: Yes / No
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N.SATHISH KUMAR,J.,
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To:

The District Munsif,
Sriperumbudur.

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