IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.
District Munsif, Devakottai
Tuesday, the 29th day of March, 2022

I.A. 24/2021
in
O.S. No. 54/2019

1. Mariappan
2. Saravanan
(through power agent and 3rd defendant) Petitioners/Defendants

Vs

Bharathi Respondents/Plaintiffs

This petition having been finally heard on 21.03.2022 in the presence of Mr. V. Sundar, learned counsel for the petitioners/defendants and in the presence of Mr. N. Ramji, the learned counsel for the respondents/plaintiffs and upon hearing the arguments of both the Counsels and after perusal of the given records and having stood over for my consideration till this day, this Court delivers the following:

ORDER

This is a petition filed under Order VII Rule 11 (d) for Rejection of Plaint.

2. The averments set out in the petition/affidavit filed by the petitioner and the counter filed by the respondents are as follows:

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2.1 The Petitioner states that the suit is barred by law as it barred under the Benami Transaction Act. The Respondent states that though the petition for interim injunction was dismissed by this Court, a CMA No. 3/2021 has been preferred and it is pending before the Sub Court, Devakottai. The respondent further states that due to two childbirth of the respondent/plaintiff, the father-in-law of the respondent had acted as the Power Agent and the registered sale deed clearly shows about the transaction.

3. Now the point for consideration is, whether the petition filed by the Petitioners / defendants for rejection of plaint is to allowed?

4. No oral or documentary evidence was adduced on the side of the Petitioners/Defendants.

5. No oral or documentary evidence was adduced on the side of the Respondents/Plaintiffs.

6. Heard both the sides.

POINTS FOR CONSIDERATION

7. This Court is of the opinion that "Plaint barred by any law" means where Court ordinarily is prevented from taking the cognizance of such a suit; if the plaint is presented by a wrong person, it cannot be said that the suit was barred by any law or the Court was prevented from taking Cognizance of such a suit. "Bar" means a plea arresting a law suit or legal claim. Rejection of plaint as barred by law and as not disclosing cause of action by merely reading the plaint and the

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correspondence is improper.

8. Hence, this court feels that the plaint cannot be rejected on the grounds prayed for as the petitioner has failed to substantiate under which provision or clause of Benami Transaction Act the plaint is liable to be rejected. Hence, this Court do not find any merit in this application.

In the result, this petition is dismissed. No costs.

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 29th day of March, 2022.

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Annexure:

List of witnesses on the side of the Petitioner/Plaintiff
NIL

List of documents on the side of the Petitioner/Plaintiff
NIL

List of witnesses on the side of the Respondents/Defendants
NIL

List of documents on the side of the Respondents/Defendants
NIL

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