
(2016) 08 RAJ CK 0123
In the Rajasthan High Court
Case No : Civil Revision (CR) No.88 of 2016

Seeta Ram

APPELLANT

Vs

Smt. Madhu

RESPONDENT

Date of Decision : 24-08-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 19(1), Order 7 Rule 21(1), Section 115

Citation : (2017) 1 WLCRajUC 534

Hon'ble Judges : Mr. Sangeet Lodha, J.

Bench : Single Bench

Advocate : Mr. B.K. Bhatnagar with Mr. Sheetal Kumbhat, Advocates, for the Petitioner

Final Decision : Dismissed

Judgement

Mr. Sangeet Lodha, J.—This petition is directed against order dated 26.11.15 passed by the Additional District Judge, Churu, in Civil Suit No.30/13, whereby an application preferred by the petitioner-defendant under Order 7, Rule 19 (1) and Order 7, Rule 21 (1) CPC, stands rejected.

2. Learned counsel appearing for the petitioner contended that as per Order 7, Rule 19 (1) introduced by way of amendment of CPC by the State Legislature, every plaint is required to be accompanied by memorandum giving an address at which service of process may be made on the plaintiff and since the plaint presented by the plaintiff was not accompanied by the memorandum of address of the plaintiff, which is called registered address, the same was liable to be rejected in terms of provisions of Order 7, Rule 21 (1) CPC. Learned counsel submitted that every page of the plaint was not duly signed by the plaintiffs and therefore, the suit was liable to be rejected for this reason also.

3. Indisputably, the non compliance of the provisions of Order 7, Rule 19 (1) is a curable defect and a perusal of the order impugned reveals that even before consideration of the application preferred by the petitioner as aforesaid, the

registered address had already been filed on behalf of the plaintiffs and therefore, the question of the plaint being rejected under Order 7, Rule 21 (1) does not arise. If the plaintiffs have not signed each and every page of the plaint, it is open for the trial court to extend an opportunity to the plaintiffs to file a fresh plaint duly signed. Suffice it to say that the defects with regard to signature on the plaint can also be permitted to be cured and therefore, for this reason also, without giving an opportunity to the plaintiffs to cure the defects, the question of rejection of the plaint does not arise.

4. In the result, the petition fails, it is hereby dismissed with the observations as above.