

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1605 of 2016
and C.M.P.No.8728 of 2016

Gunasekaran

... Petitioner

Vs.

1.Lalitha

2.S.Nagaraj

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.702 of 2013 in O.S.No.175 of 2012 dated 13.07.2015 on the file of the Principal District Court, Cuddalore District.

For Petitioner : Mr.R.Rajeshhkumar

ORDER

Challenging the fair and final order passed in I.A.No.702 of 2013 in O.S.No.175 of 2012 on the file of the Principal District Court, Cuddalore District, the defendant has filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.175 of 2012 for specific performance, alternatively, to direct the defendant to pay a sum of Rs.12,72,000/- with subsequent interest. The defendant filed his written

statement and is contesting the suit.

3. When the suit is posted for trial, the defendant filed an application in I.A.No.702 of 2013 under Order 7 Rule 11 of the Civil Procedure Code to reject the plaint. The application was contested by the plaintiffs stating that the application is not maintainable. The trial Court, taking into consideration the case of both parties, rightly dismissed the application on the ground that the suit itself is ripe for trial.

4. The defendant having filed the written statement before the trial Court and the suit being posted for trial, at that stage, the present application under Order 7 Rule 11 of the Civil Procedure Code was filed. The issues raised in the written statement can be decided by the trial Court in the suit after the completion of the trial. In these circumstances, the trial Court has rightly dismissed the application.

5. The trial Court shall decide all the issues raised by the defendant at the time of disposing of the suit.

6. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

08.06.2016

To

The Principal District Court,
Cuddalore District.

M.DURAIWAMY,J.
va

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