

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1724 of 2016

R.Amudha
W/o.Rajendran

... Petitioner

..VS..

Kannappan
S/o.Kotti Mudaliar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying for allowing the above CRP by setting aside the Fair and Decretal Order dated 25.06.2015 passed in I.A.No.135 of 2015 in O.S.No.162 of 2014 on the file of the Sub Court, Madurantagam.

For Petitioner : Mr.K.V.Govi Ganesan

ORDER

This revision arises against the order of learned Sub Judge, Madurantagam, passed in I.A.No.135 of 2015 in O.S.No.162 of 2014 on 25.06.2015.

2. Respondent/plaintiff has filed O.S.No.162 of 2014 on the file of the Sub Court, Madurantagam, seeking the relief of specific performance. Petitioner/defendant has filed I.A.No.135 of 2015 in O.S.No.162 of 2014 and sought rejection of the plaint. The Court below, under the impugned order, dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. On a perusal of the order under challenge, it is seen that the contention of the defendant that the suit does not disclose cause of action and has been filed based on a forged release deed, has been negated by Court below on the reasoning that such issue could be decided only upon conclusion of trial and accordingly, dismissed the application. This Court finds no error in the reasoning afforded by the Court below.

5. The Civil Revision Petition is dismissed. No costs. However, considering the request of learned counsel for petitioner to the effect that owing to the pendency of the suit, the petitioner is unable to dispose of the property, this Court directs the Sub Court, Madurantagam, to dispose O.S.No.162 of 2014 as expeditiously as possible, in any event, not later than six months from the date of receipt of this order. Consequently, connected miscellaneous petition is also

closed.

15.06.2016

Index:yes/no
Internet:yes
nvi

To

The Sub Court,
Madurantagam.

C.T.SELVAM, J

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