

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1020 of 2017
and C.M.P.No.4942 of 2017

Muthayammal

... Petitioner

v.

1. Palanisamy
2. E.Panneerselvam
3. E.Mohanasundaram

... Respondents

Civil Revision Petition filed under section 227 of C.P.C., to struck off the plaint in O.S.No.46 of 2014 on the file of Sub Court, Perundurai (O.S.No.280 of 2012 – District Munsif Court, Perundurai).

For Petitioner : Mr.V.V.Sathya

O R D E R

The 1st defendant in O.S.No.46 of 2014 (O.S.No.280 of 2012 on the file of the District Munsif Court, Perundurai) on the file of the Subordinate Court, Perundurai, has filed the above Civil Revision Petition, to struck off the plaint in O.S.No.46 of 2014.

2. The suit was filed on 08.12.2012 and the written statement was filed by the 1st defendant on 05.06.2013.

3. The learned counsel appearing for the petitioner submitted that the suit is ripe for trial.

4. When the suit has been filed in the year 2012, I do not find any reason to struck off the suit, after a lapse of four years. In these circumstances, on the ground of laches, I do not find any reason to struck off the plaint in O.S.No.46 of 2014.

5. Since the suit is ripe for trial, I direct the Subordinate Judge, Perundurai, to dispose of the suit in O.S.No.46 of 2014, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. With these observations, the Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition is also dismissed.

17.03.2017

rg
Note: Issue on 20.03.2017

To

The Subordinate Judge, Perundurai

M. DURAISWAMY,J.,

rg

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