

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Civil Revision Petition (PD) No.321 of 2017
& C.M.P.No.1445 of 2017

1. Vedavalli
2. V.Dayalan

...Petitioners

Versus

- P.Raji
1. Pachaiammal
 2. Suppose
 3. Lakshmi
 4. R.Selvam
 5. Ganga
 6. Kumari

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order in I.A.No.487 of 2014 in O.S.No.90 of 2007, dated 23.11.2016 on the file and allow the Civil Revision Petition.

For Petitioner : M/s.S.Gunaseelan
For Respondents : Mr.G.Vigneshwar

ORDER

The learned counsel for the petitioners have submitted that the respondents have filed the suit for specific performance and the aforesaid suit filed by the respondent herein, is barred by the limitation. Hence, the petitioner has filed I.A.No.487 of 2014 under Order 7 Rule 11 of CPC. The Court below has dismissed the said petition on the ground that it cannot be decided at the threshold regarding the question of law of limitation. Aggrieved by the said order passed by the Court below, the petitioner has preferred this Civil Revision Petition before this Court.

2. At the time of hearing, the learned counsel for the petitioner prays that the present Civil Revision Petition can be dismissed, with liberty to file an application to raise preliminary issue before the trial court, in the light of the decision rendered by a Division Bench of this Court in the case of Dr.L.Ramachandran and others vs. K.Ramesh and others reported in 2015 (5) CTC 629.

3. The learned counsel appearing for the respondents has submitted that the said liberty may be granted to the petitioner.

4. In the light of the submission made by the parties, the Civil Revision Petition is dismissed, with liberty to the petitioner to file appropriate application to raise preliminary issue before the Court below

with regard to the limitation in filing the suit, as per the provision of law. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.03.2017

Index: Yes/ No
Internet:Yes/No
pvs

To
The District Munsif, Sholinghur,
Vellore District.

D. KRISHNAKUMAR, J.,

pvs

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