

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.3498 of 2017
and
C.M.P.No.16262 of 2017

A.Sarangan

... Petitioner

Vs.

1. CRB Welfare Association,
Rep. by its President
R.P.Subramanian
Chengalvarayan Street,
Swarna Maligai,
No.6, Reddy Colony,
Ramalingapuram,
Chennai - 600 012.

2. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.

3. The Tahsildar,
Perambur-Purasaiwakkam Taluk,
Perambur,
Chennai - 600 011.

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4. Nammalwar Co-operative Society
Rep. by its President
K.Doraikannu
24, Raghavan Street,
Sembium,
Chennai - 600 011.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India against fair and and final orders passed in I.A.No.6538 of 2012 on 18.07.2016 in O.S.No.8837 of 2011 on the file of the XVII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.Saravana Kumar

ORDER

The learned counsel for the petitioner would submit that the suit in O.S.No.8837 of 2011 filed by the first respondent is barred by limitation. Hence, the petitioner filed an application in I.A.No.6538 of 2012 under Order 7 Rule 11 of the Civil Procedure Code. Without considering the issues raised in the above application and without properly appreciating the case of the petitioner, the court below has dismissed the application. The learned counsel for the petitioner would further submit that the

main contention of the petitioner in the above application is barred by limitation. In support of that, the petitioner has also relied upon the decision of this Court. At this stage, the petitioner seeks withdrawal of the present Civil Revision Petition with liberty to raise the limitation issue as the preliminary issue before the trial court in the said suit.

2. In view of the endorsement made by the learned counsel for the petitioner, the Civil Revision Petition is dismissed as withdrawn with liberty to the petitioner to raise the limitation issue as the preliminary issue in the suit before the trial court. Consequently, the connected miscellaneous petition is closed. No costs.

04.10.2017

Speaking/Non-speaking order

Index :Yes/No

Internet : Yes/No

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D. KRISHNAKUMAR J.

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To

The XVII Assistant Judge,
City Civil Court,
Chennai.



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