

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.3867 of 2017

and

C.M.P.No.18041 of 2017

G.Devasagayam

..Petitioner

Vs.

K.Maheswari

..Respondent

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 09.08.2017 made in IA.No.46 of 2015 in OS.No.65 of 2011 on the file of the Subordinate Judge, Gudiyatham.

For petitioner : Mr.B.N.Chanrasekar

**ORDER**

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According to the revision petitioner, the respondent has filed a suit in O.S.No.65 of 2011. In the aforesaid suit, the revision petitioner has filed an application in IA.No.46 of 2015 under Order 7 Rule 11 of the Civil Procedure Code to reject the plaint. According

to the learned counsel for the revision petitioner, there is no territorial jurisdiction and cause of action arose in the said suit. The respondent has denied the said averments stating that the plaintiff / respondent has sold the said property which is situated within the jurisdiction of Gudiyatham. The court below has dismissed the said application stating that the said dispute can be decided at the time of trial. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. On perusal of the records, the court below has observed that at the stage of trial, the revision petitioner has raised the issue of territorial jurisdiction and the respondent has denied the same. Therefore, all the issues raised in the said application can be decided at the time of trial. Hence, there is no error or illegality in the order passed by the court below and the Civil Revision Petition is liable to be dismissed.

3. At this stage, the learned counsel for the revision petitioner seeks direction to dispose of the said suit within the time frame as may be fixed by this Court.

4. On the request made by the learned counsel for the

revision petitioner, this Court is inclined to direct the Subordinate Court, Gudiyatham to dispose of the said suit in OS.No.65 of 2011 within a period of six months from the date of receipt of a copy of this Order.

5. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

13.12.2017

Speaking/Non-speaking order  
Index :Yes/No  
Internet:Yes/No  
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**D.KRISHNAKUMAR.J,**

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To

The Subordinate Court,  
Gudiyatham



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