

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4018 of 2017

and

C.M.P No.18805 of 2017

G. Balasubramanian

.. Petitioner

Vs

1. Mrs. K. Jansi Rani

2. Minor K. Divya Dharshini

3. M. Kandasamy

4. Kasi Viswanathan

5. S. Dhamayanthi

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 06.03.2017 made in I.A. No. 16470 of 2014 in O.S. No. 3873 of 2014 on the file of XVII Assistant City Civil Court, Chennai.

For Petitioner

: Mr. V. Bhiman

for M/s. Sampathkumar & Associates

ORDER

This revision arises against the order and decretal order dated 06.03.2017 made in I.A. No. 16470 of 2014 in O.S. No. 3873 of 2014 on the file of XVII Assistant City Civil Court, Chennai.

2. The learned counsel for the petitioner would submit that the respondents 1 & 2 filed a suit in O.S. No. 3873 of 2014 for declaration. The petitioner herein/ 4th defendant in the said suit, filed an Interlocutory Application in I.A. No.16470 of 2014 under Order VII Rule 11(d) of Code of Civil Procedure, before the trial court for rejection of plaint, on the ground that the suit is barred by limitation. The trial court considering the contention of the petitioner as well as the respondents and held that the said issues raised by the petitioner are more triable issues, based on the documents, therefore cannot be decided at that premature stage, on the application filed under Order VII Rule 11(d) of CPC. The learned counsel for the petitioner submitted that the suit is of the year 2014 and even issues have not been framed in the suit. Hence prayed this Court to give appropriate direction to the trial court, to

dispose of the suit, within a time frame fixed by this Court.

3. In the light of the decisions of this Court, reported in *2005(5) CTC 748 - A.Sreedevi V. Vicharapu Ramakrishna Gowd*, *2008(1) CTC 527 - M.Grusamy (died) and another V. G.Vijaya and others*, *2010(2) CTC 705 - E.Yesodammal vs E.Govindan*, *2015(3) CTC 54 - Vasumathi H.Shah V. Pushpa Raju*, this Court is not inclined to entertain this revision petition. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner, this Court directs the trial court to dispose of the suit, as expeditiously as possible.

4. The Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

06.11.2017

Index : Yes/ No

Speaking order/ Non speaking order

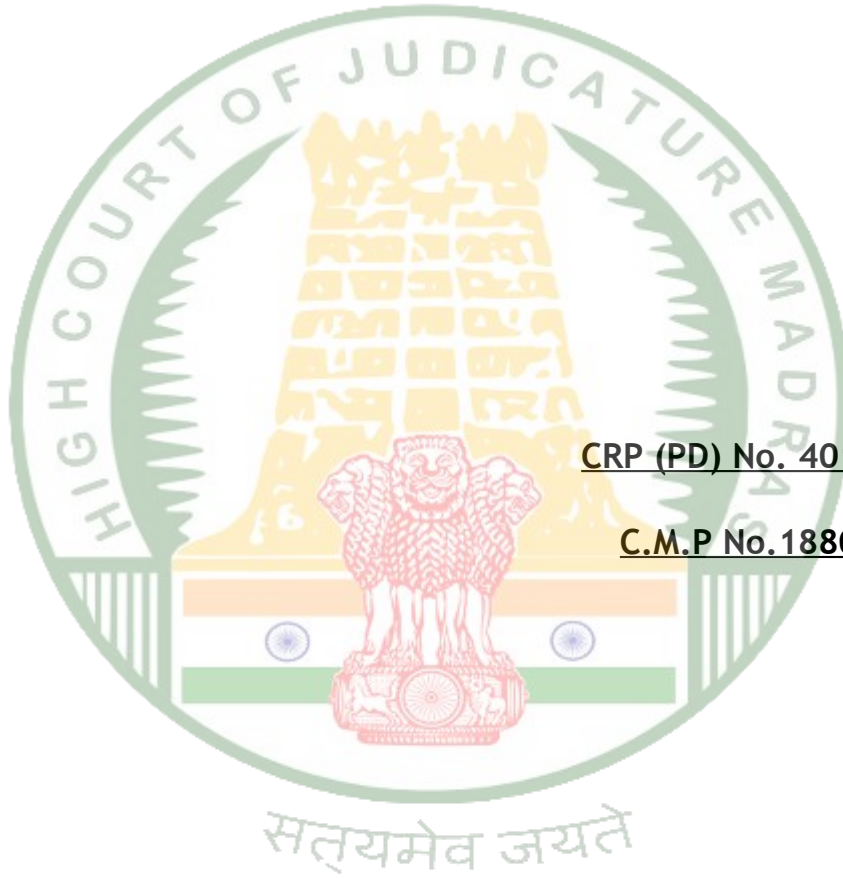
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To

The XVII Assistant City Civil Court,
Chennai.

D. KRISHNAKUMAR J.,

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