

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM

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

CRP.(PD).No.4517 of 2017
and CMP.No.21316 of 2017

K.Sukumaran

..Petitioner

Vs.

C.Thangavelu

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 01.08.2017 passed in I.A.No.183 of 2017 in O.S.No.566 of 2014 on the file of I Additional District Judge, Coimbatore.

For petitioner : M/s.V.S.Usharani

For Respondent : Mr.R.Ganesh Babu

ORDER

According to the revision petitioner, the respondent has filed a suit in OS.No.566 of 2014 on the file of the District Judge, Coimbatore. In the aforesaid suit, the revision petitioner has filed an

application in IA.No.183 of 2017 under Order 7 Rule 11 of the Civil Procedure Code to reject the plaint stating that the suit has to be rejected on the ground of non-joinder of necessary parties in the suit and also raising other grounds in the application. The aforesaid application was dismissed by the court below. Challenging the above said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. At the time of admission, the learned counsel for the petitioner had stated that after written statement filed by the revision petitioner, the trial court has proceeded with the trial. The learned counsel for the revision petitioner would submit that the court below has not framed issues raised in the application.

3. After notice, the learned counsel for the respondent has appeared before this Court and would submit that the dispute raised in the written statement, issues can be framed by the court below in order to decide the suit.

4. On perusal of records, the court below has dismissed the instant application by stating that the grounds raised by the revision petitioner in the instant application could not be considered at

this stage. All these objections can be considered at the time of trial in the suit.

5. By consent of both the parties, the court below is directed to frame additional issues for non- joinder of necessary party in the above said suit as raised in the written statement. Thereafter, the trial court may proceed with the evidence of the parties concerned in the suit.

6. With the above observations, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

18.12.2017

Speaking/Non-speaking order
Index :Yes/No
Internet:Yes/No
lok

WEB COPY

D.KRISHNAKUMAR.J,

lok

To

The I Additional District Judge,
Coimbatore.



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