

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM

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

CRP.PD.No.4492 of 2017

R.Sakthivel

..Petitioner

Vs.

S.Chithra

..Respondent

**PRAYER:**

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order passed in the unnumbered suit in OS.SR.No.4726 of 2017 dated 05.10.2017 on the file of the Sub Court, Thiruchengodu and permit the petitioner / plaintiff to represent the said OS.SR.No.4726 of 2017 on the file of the Sub Court at Tiruchengodu.

For Petitioner : Mr.G.Murugendran

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**ORDER:**

The revision petitioner has presented the plaint for specific performance on the basis of sale agreement entered between revision

the petitioner / plaintiff and the respondent / defendant on 25.04.2012. The court below has returned the said plaint by stating that the documents 2 and 3 certified copy of documents to be filed. It was returned on second time pointing out how the suit is maintainable when the suit is filed after the period of three years from the date execution of sale agreement. In response to the said defects, the revision petitioner has represented the same by stating that only on having the knowledge of the refusal of performance, the revision petitioner came to know on 20.03.2015. Therefore, the suit is maintainable. Again it was returned for non compliance of the defects of the limitation period. Hence, the revision has filed the present Civil Revision Petition before this Court.

2. Heard, the learned counsel for the petitioner and perused the materials available on record.

3. It is seen from the explanation submitted by the revision petitioner that he came to know only on 20.03.2015 after refusal of the performance. On perusal of the order, the petitioner has not given the detailed explanations for the aforesaid prayer.

4. At this stage, this Court is not inclined to entertain the

Civil Revision Petition. However, liberty is granted to the revision petitioner to make a detailed explanation and represent the suit papers before the court below within the period of two weeks from the date of receipt of a copy of this Order.

5. If any such explanation is made by the revision petitioner, the court below is directed to consider the representation papers, if satisfied, number the plaint in accordance with law.

6. The Civil Revision Petition is dismissed with above observations. No costs.

04.12.2017

Speaking/Non-speaking order  
Index : Yes/No  
Internet : Yes/No  
(Note: Issue order copy on 07.12.2017)  
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Note: The Registry is directed to return the original suit papers, if any, after obtaining a copy of the same.

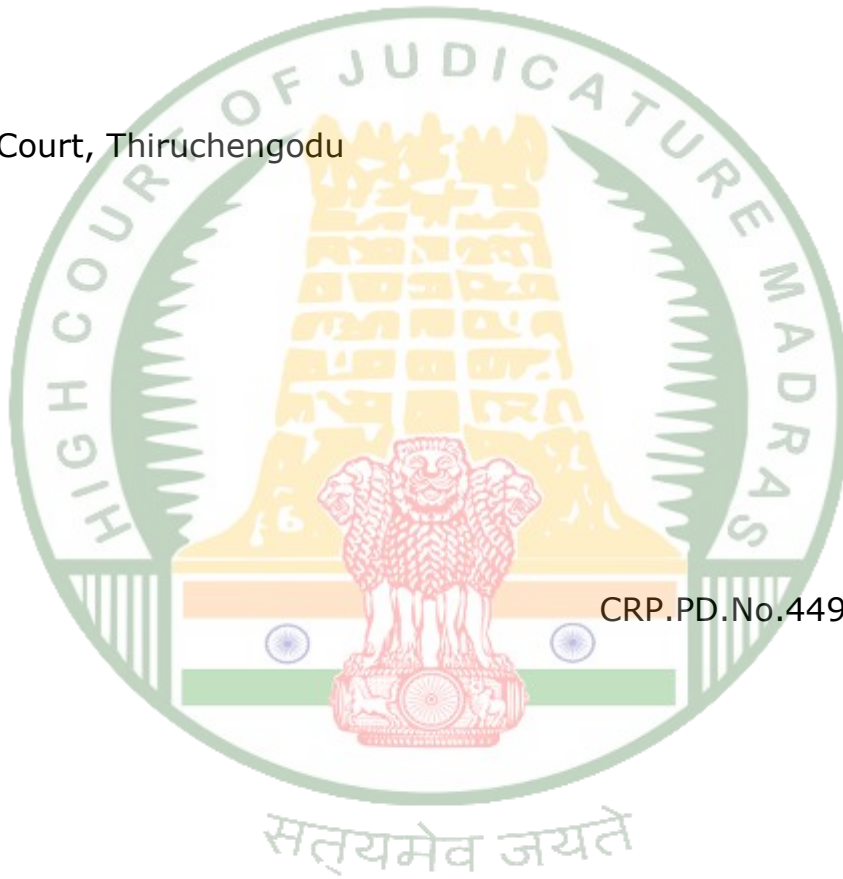
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**D.KRISHNAKUMAR. J,**

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To

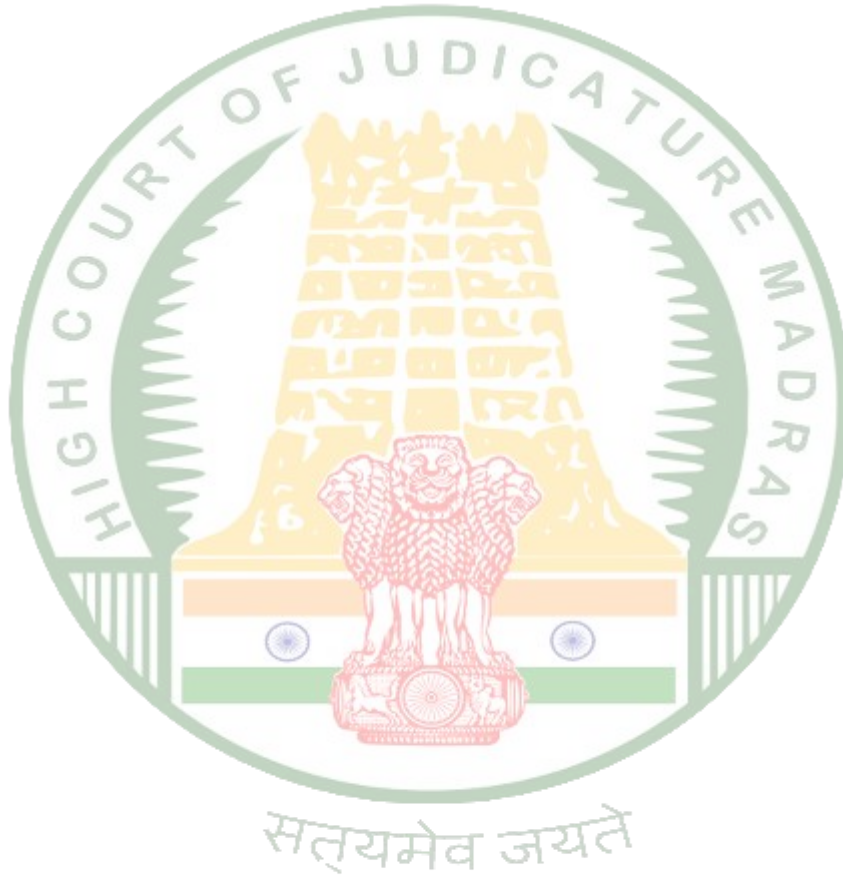
The Sub Court, Thiruchengodu



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