

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.5592 of 2017

ORDER:

The petitioner, who is the plaintiff in a suit for declaration, has come up with the above revision, challenging an order of the trial Court allowing an application for deciding the question of jurisdiction as a preliminary issue.

2. Heard Mr. N. Subba Rao, learned counsel for the petitioner.

3. The question of jurisdiction is raised on the premise that the property is an endowment property and that the Tribunal alone would have the jurisdiction. In the light of such a stand, it will be good even for the petitioner/plaintiff to have that issue decided as a preliminary issue. Otherwise, if the suit is taken up for trial and eventually the issue of jurisdiction is answered against the petitioner, the remedy for the petitioner would only be to file a regular first appeal. It may not be in the interest of the petitioner to take such a course of action.

4. Therefore, leaving it open to the petitioner to raise all issues with respect to the question of jurisdiction at the stage of the preliminary issue itself, this revision is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 27-10-2017

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