

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.779 of 2018
and CMP.No.4280 of 2018

K.A.Sheela

.. Petitioner

Vs

V.M.Jawaharlal

.. Respondent

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in IA.No.53 of 2015 in OS.No.12 of 2013 on the file of the Family Court, Salem dated 26.12.2017.

For Petitioner : Mr.P.Neethi Kumar

ORDER

According to the revision petitioner, the revision petitioner has filed the instant application under Order 7 Rule 11 of the Civil Procedure Code to reject the plaint. The aforesaid application was dismissed by the court below. Hence, the revision petitioner has filed

the Civil Revision Petition before this Court. The revision petitioner has raised that the said suit filed by the respondent is barred under Hindu Succession Act 1956 as well as the Benami Transaction Act, 1988. The contention raised by the petitioner is a disputed fact and these objections of the petitioner can be decided at the time of trial in the suit. At this stage, the learned counsel for the revision petitioner seeks this that since the revision petitioner being suffered from cancer, therefore, this Court can mould the relief by directing the court below to dispose of the suit within the time as may be fixed by this Court. Therefore, this Court is inclined to pass the following orders.

(i) Taking into consideration the age of the revision petitioner as well as suffering from illness, this Court is inclined to direct the Family Court, Salem to dispose of the OS.No.12 of 2013 as expeditiously as possible on or before 30.08.2018.

(ii) The Family Court, Salem shall consider the suit and pass an order independently, without being influenced by any observations, in the impugned order.

2. The Civil Revision Petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

09.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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Note: Issue order copy on 13.03.2018



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D. KRISHNAKUMAR J.,

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To

The Family Court, Salem



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