

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Rev. Appln. No.185 of 2018

against

C.R.P.No.912 of 2018

P.Visalakshi

...Petitioner

Versus

N.Rajagopal Pillai

... Respondent

The Review Petition filed under order 47 Rule 1 and 2 read with Section 114 of C.P.C. to review order dated 11.06.2018 passed in C.R.P.No.912 of 2018.

For Petitioner : Mr.V.R.Thangavelu

ORDER

This Review Petition has been filed to review the order dated 11.06.2018 passed by this Court in C.R.P.No.912 of 2018.

2. The petitioner had filed an application before the learned Additional District Munsif, Kanchipuram. The trial Court, after considering the plea of limitation and question of law, dismissed the said petition, by order dated 06.01.2017 in I.A.No.240 of 2017 in O.S.

No.60 of 2017. Challenging the above said order, the review petitioner filed C.R.P. No.912 of 2018 before this Court.

3. While deciding the matter, as per the provision under Order 7 Rule 11 C.P.C., the Court has to consider the plaint averments and document filed along with the plaint and not the defense taken by the defendant. Further, the trial Court has considered the plea of limitation and question of limitation is mixed question of law and facts. This Court in para 10 has stated that the relief sought for by the petitioner cannot be decided at this stage in the application filed by the petitioner and the matter can be decided by the trial Court at a later stage i.e. after completion of trial in the suit. Hence, this Court held that there is no illegality or infirmity in the order passed by the trial Court. Therefore, the revision petition was dismissed.

Also this Court has framed the time limit is as follows:

"(i) The petitioner/2nd defendant is directed to file a written statement before trial court within a period of 15 days form the date of receipt of a copy of this order.

(ii) The trial Court is directed to frame necessary issues and dispose of the suit in O.S.No.60 of 2017 in accordance with law within a period of six months form the date of filing of the written statement.

(iii) The civil revision petition is dismissed accordingly. No Costs. Consequently connected miscellaneous petition is closed."

4. There is no mistake apparent on the face of the records.

Therefore, this Review Application is dismissed. No costs.

29.10.2018

Index : Yes/No

Internet: Yes/No

Speaking order/non speaking order

rli



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P.VELMURUGAN, J.,

rli



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