

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

REVIEW APPLN. No.244 of 2018

IN

C.R.P. NO.605 Of 2018

Hena Rubavathy,

.. Applicant/Petitioner

Versus

1. D. Santhakumari

2. S. Jayabalan

.. Respondents

Review Application filed to review the order dated 27.03.2018 in C.R.P. (PD) No.605 of 2018 and to set aside the order, dated 20.09.2017 passed by the Court below in I.A. No.591 of 2013 in O.S. No.1935 of 2010.

For Petitioner : Mr.A. Thiyagarajan

For R1 & R2 : Mr. S. Gunalan

ORDER

The review application has been filed by the applicant to review the order, dated 27.03.2018 passed by this Court in C.R.P.(PD) No.605 of 2018.

2. The revision petitioner in C.R.P. No.605 of 2018 has filed this review application on the grounds that the respondents have preferred I.A. No.591 of 2013 before the IInd Additional District Munsif Judge, Coimbatore, for filing of the additional written statement with the counter claim in the suit property in question even though it is barred by limitation. However, the same has been allowed by the Court below. As against which the revision petitioner/applicant herein has filed C.R.P. (P.D.) No.605 of 2018 wherein this Court has dismissed the same by earlier order dated 27.03.2018 stating that the issue of limitation can be resolved, at the time of trial in the pending suit. Hence this review application is filed by the revision petitioner.

3. This Court, having considered the issue of the case is barred by limitation, held that it is left open to the parties to decide the issue at the time of trial in the pending suit. At this stage, the revision petitioner has filed this review application to review the aforesaid order. Further the learned counsel for the revision petitioner/applicant herein has requested that as the suit has been filed in the year 2010 before the IInd Additional District Munsif Court, Coimbatore, it can be disposed of within a time as may be fixed by this Court.

4. At the same time, the learned counsel for the respondent would submit that he has no objection for disposal of the suit pending

before the trial Court within a time as fixed by this Court.

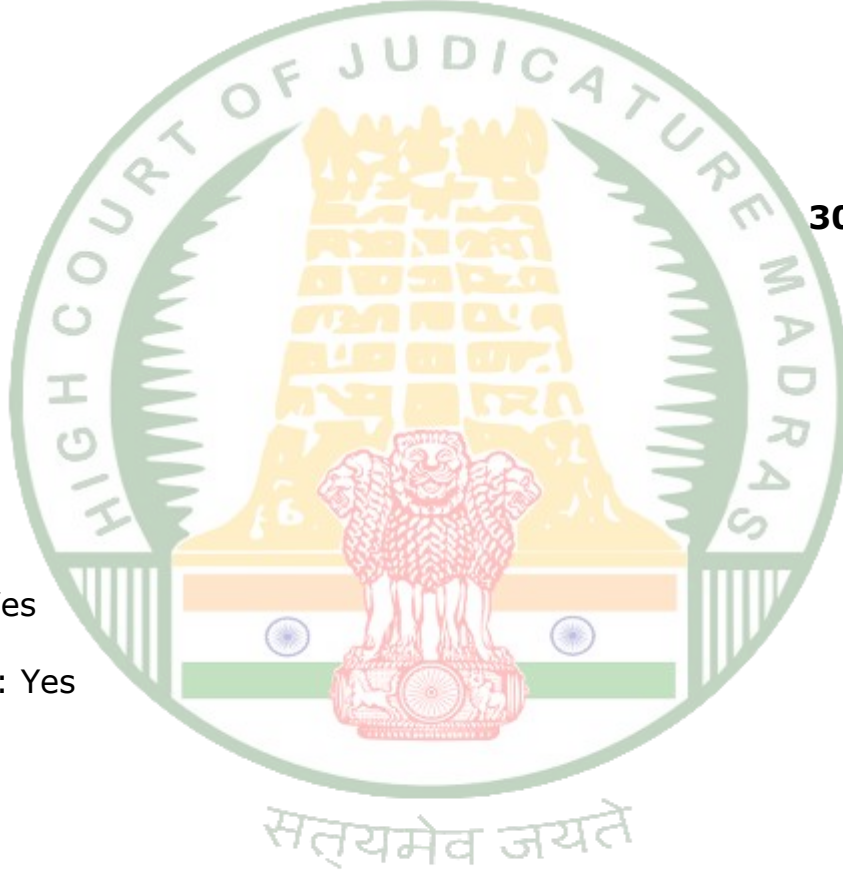
5. The learned counsel for both the parties would jointly submit that they would undertake to co-operate for the disposal of the pending suit before the Court below, within the time as fixed by this Court.

6. In view of the submission made by the counsel for both parties and taking into consideration of the suit which is pending more than 8 years under trial, The IInd Additional District Munsif Judge, Coimbatore, is directed to dispose of the suit as quickly as possible within a period of 6 months from the date of receipt of copy of this order.



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7. With the above directions and since there was no error or illegality in passing the order in the Civil Revision Petition, this Court is not inclined to entertain the review application. Hence, this review application is dismissed with above direction. No costs.



30.10.2018

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Index: Yes

Internet: Yes

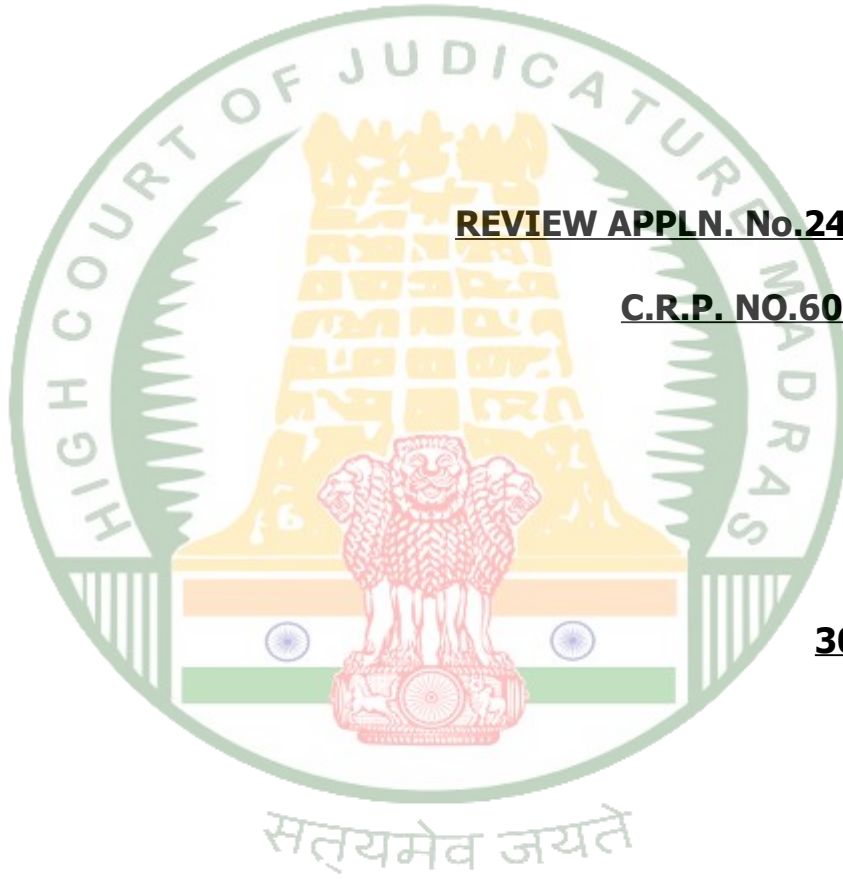
To

The IInd Additional District Munsif Judge,
Coimbatore.

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D. KRISHNAKUMAR, J.

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