



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:14.06.2018
CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (MD) No.498 of 2014 (PD)
and
M.P. (MD) No.1 of 2014

K.Sheela

... Petitioner

Vs.

K.Bhavani

... Respondent

PRAYER: Petition filed under Section 227 of Constitution of India, to set aside the order of the learned Additional District and Sessions Judge, Theni at Periyakulam, dated 13.12.2013 and rendered in I.A.No.158 of 2013 in O.S.No.2 of 2011 on his file, allow the petition in I.A.No.158 of 2013 in O.S.No.2 of 2011 on his file.

For Petitioner : Mr.A.Mohanram

For Respondent : Mr.R.Sundar

ORDER

The first defendant in the suit in O.S.No.2 of 2011 on the file of the Additional District and Sessions Judge, Theni at Periyakulam, is the revision petitioner in this Civil Revision Petition.

2.The respondent/plaintiff filed a suit in O.S.No.2 of 2011 for recovery of a sum of Rs.54,39,033.97/- together with interest and other consequential relief.

3.The revision petitioner who is the first defendant in the suit filed a written statement disputing his liability. It is stated by the learned counsel for the revision petitioner that the suit is barred by limitation and that a plea was also raised by him in the written statement.

4.In this background, the revision petitioner/first defendant in the suit filed an application in I.A.No.158 of 2013 under Order VIV, Rule 2 and Section 151 of C.P.C to decide the question of limitation and maintainability of the suit as a preliminary issue. This petition was dismissed by the trial Court and the first defendant has preferred the above Civil Revision Petition challenging the order passed in I.A.No.158 of 2013 in O.S.No.2 of 2011.



5. The learned counsel appearing for the revision petitioner submitted that the Civil Revision Petition may be disposed of with a direction to the lower Court to dispose of the suit itself on all issues. Further, the learned counsel appearing for the respondent has no objection to dispose of this Civil Revision Petition.

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6. Having regard to the submissions of the learned counsel appearing for the revision petitioner and the learned counsel appearing for the respondent, this Court is inclined to pass the following order:-

"The Civil Revision Petition filed against the order in I.A.No.158 of 2013 in O.S.No.2 of 2011 is dismissed and the learned Additional District and Sessions Judge, Theni at Periyakulam is directed to expedite the trial and dispose of the suit as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order."

No costs. Consequently, M.P.(MD)No.1 of 2014 is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To
The Additional District and
Sessions Judge,
Periyakulam,
Theni.

+1CC to Mr.R.Sundar, Advocate, SR.No.68348

C.R.P. (MD)No.498 of 2014 (PD)
and
M.P. (MD)No.1 of 2014
14.06.2018

RMI
ES/JC/SAR 3/27.06.2018/2P/3C