



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.2234 of 2017
and
C.M.P. (MD) No.10920 of 2017

1.P.Stalin
2.B.Meenatchi

... Petitioners/Petitioners/Defendants 3 & 4

Vs.

Anbazhagan, ... Respondent/Respondent/Plaintiff

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for and set aside the order passed by the learned Principal District Munsif, Ambasamudram, in I.A.No.416 of 2017 in O.S.No.325 of 2012 and consequently, direct the Trial Court to frame preliminary issues regarding pecuniary jurisdiction in O.S.No.325 of 2012 and may decide the issue within a specific period.

For Petitioners : Mr.K.P.Narayanakumar

For Respondent : Mr.H.Arumugam

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 24.08.2017, passed in I.A.No.416 of 2017 in O.S.No.325 of 2012, by the learned Principal District Munsif, Ambasamudram, and consequently, direct the Trial Court to frame preliminary issue regarding pecuniary jurisdiction in O.S.No.325 of 2012 and decide the issue, within a specific period.

2.The respondent is the plaintiff and the revision petitioners are the defendants 3 and 4 in O.S.No.325 of 2012 on the file of the Principal District Munsif Court, Ambasamudram. The respondent filed the said suit for declaration and permanent injunction. In the said suit, the petitioners/defendants 3 and 4 have filed an application in I.A.No.416 of 2017, raising the preliminary issue in respect of pecuniary jurisdiction. After hearing both sides, the learned Principal District Munsif, Ambasamudram, vide order dated 24.08.2017, dismissed the said application. Challenging the said order dated 24.08.2017, the present Civil Revision Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.I have heard the learned counsel appearing for the revision

petitioners and the learned counsel for the respondent.

4. Admittedly, the revision petitioners/defendants 3 and 4 have raised a question about pecuniary jurisdiction of the Court to try the suit in O.S.No.325 of 2012. The Court is having the power to permit the parties to raise that issue even in the main suit.

5. The learned counsel appearing for the respondent informed that already trial is going on and therefore, now, the revision petitioners cannot be permitted to raise an issue in respect of pecuniary jurisdiction.

6. This Court is not inclined to accept the submission of the counsel for respondent. The issues can be framed even at the time, when the matter is posted for judgment. Therefore, this Civil Revision Petition is allowed and the order, dated 24.08.2017, passed in I.A.No.416 of 2017 in O.S.No.325 of 2012, by the learned Principal District Munsif, Ambasamudram, is set aside. No costs. The Trial Court is directed to decide the issue of pecuniary jurisdiction as one of the issues, conduct trial and dispose of the suit, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

1. The Principal District Munsif,
Ambasamudram.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1CC to Mr.H.Arumugam Advocate in SR.No.72754.

+1CC to Mr.K.P.Narayana Kumar Advocate in SR.No.72871.

SMN2

DS/RP/SAR-3 :27.07.2018: 2P/6C

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