



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.08.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (MD) (PD) No.1267 of 2018
and
C.M.P. (MD) No.5337 of 2018

1.R.Latha
2.G.Barathi
3.G.Vanathi

...Petitioners / Defendants 1 to 3

/Vs./

1.T.Rajakumari

...1st Respondent / Plaintiff

2.Tamil Nadu Housing Board,
Ramanathapuram Division,
Represented by its Executive,
Engineer cum Administrative Officer,
Ramanathapuram District.

...2nd Respondent /
4th Defendant

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, praying to call for the records pertaining to the Original Suit in O.S.No.3 of 2014 pending on the file of the learned Subordinate Judge, Devakottai, Sivagangai District and to strike-off the plaint.

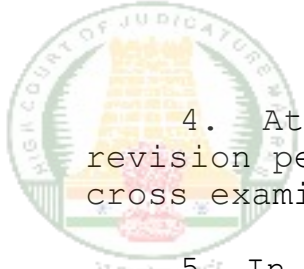
For Petitioners : Mr.C.M.Arumugam
For R-1 : Mr.P.Vadivel
For R-2 : Mr.R.Janarthanan

ORDER

The defendants 1 to 3 have filed this civil revision petition for striking off O.S.No.3 of 2014 on the file of the Sub Court, Devakottai, Sivagangai District.

2. The learned counsel appearing for the revision petitioners pointed out that the suit has been laid on the strength of an agreement that is of the year 2000. He further pointed out that the suit is, on the very face of it, barred by limitation.

3. But, then, as contended by the learned counsel appearing for the plaintiff, limitation being a question of fact, must be adjudicated in the main suit. That apart, trial in this case has also commenced. Therefore, he wanted this Court to dismiss the Civil Revision Petition by relegating the parties to work out their rights before the court below.



4. At this stage, the learned counsel appearing for the revision petitioners submitted that the plaintiff had not been fully cross examined.

5. In view of the above, the trial Court is directed to recall P.W.1 and on the same day, when P.W.1 is recalled, the revision petitioners shall conclude the cross-examination in full. The Court below is directed to dispose of the suit itself within a period of three months from the date of receipt of a copy of this order. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Subordinate Judge, Devakottai, Sivagangai District

2.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1CC to Mr.C.M.Arumugam, Advocate, SR.No.79216
+1CC to Mr.P.Vadivel, Advocate, SR.No. 79511
+1CC to Mr.R.Janarthanan, Advocate, SR.No.79580

Order made in
C.R.P. (MD) (PD) No.1267 of 2018
20.08.2018

SM
ES/SV/SAR 2/03.10.2018/2P/7C