



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

C.R.P. (PD) (MD) No.1563 of 2018

and

C.M.P. (MD) .No.6851 of 2018

Kathayee

..Petitioner/Defendant

-vs-

Subramanian

..Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 Code of Civil Procedure against the fair and decreetal order dated 27.06.2018 passed in I.A.No.475 of 2016 in O.S.No.58 of 2015 on the file of the Sub-Court, Pattukottai.

For Petitioner :Mr.M.P.Senthil

ORDER

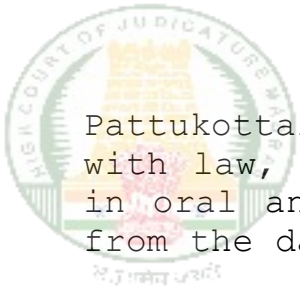
Challenging the fair and decreetal order passed in I.A.No.475 of 2016 in O.S.No.58 of 2015, on the file of the Sub-Court, Pattukottai, the defendant has filed the above Civil Revision Petition.

2.The respondent/plaintiff filed a suit in O.S.No.58 of 2015 for partition and for other reliefs. The defendant filed a written statement and is contesting the suit. The trial Court framed the issues and posted the suit for trial. At that stage, the defendant filed an application under Order 7 Rule 11 of Civil Procedure Code to reject the plaint. The said application was contested by the plaintiff. The Trial Court, after taking into consideration the case of both parties, dismissed the said application on the ground that the issue involved in the present petition is already framed as an issue and there is no necessity for deciding the application, when the suit itself is posted for trial.

3.The findings of the trial court is just and proper. Since the trial court has already framed an issue with regard to the issue raised in I.A.No.475 of 2016, the trial court can very well decide the same, after conducting a full-fledged trial.

4.The learned counsel appearing for the petitioner submitted that the trial court may be directed to dispose of the suit within a time frame.

5.In these circumstances, while confirming the order passed in I.A.No.475 of 2016, I direct the Subordinate Judge,



Pattukottai to dispose of the suit on merits and in accordance with law, after giving due opportunity to both the parties to let in oral and documentary evidence, within a period of four months from the date of receipt of copy of this order.

6. With this observation, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Subordinate Judge, Pattukottai.

+1cc to Mr.M.P.Senthil , Advocate Sr.No.75594

VS

VB/KAK/SAR1/07.08.2018/2P/3C

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