

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

C.R.P.(PD) No.1362 of 2015

And

M.P.No.1 of 2015

R.Nallasivam

... Petitioner

Vs.

1.R.Cheralathan

2.R.Soundararajan

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 15.12.2014 in I.A.No.727 of 2014 in O.S.No.88 of 2014 on the file of I Additional District Munsif Court, Erode and allow the Civil Revision Petition.

For Petitioner : Mr.S.K.Kaithamalai Kumaran

For Respondent : Mr.S.Jeya Ganesan for R1

ORDER

The petitioner is the defendant in the suit in O.S.No.88 of 2011.

The respondent filed a suit for delivery of possession. Thereafter, the petitioner /1st defendant filed an application in I.A.No.727 of 2014 under Order VII rule 11(b) for rejection of the plaint on the ground that the value of the property was not assessed as per the guidelines. The said application was dismissed by the I Additional District Munsif Court, Erode, against which the present Civil Revision Petition has been filed.

2.Mr.S.Kaithamalai Kumaran, the learned counsel for the petitioner would submit that the Trial Court observed that it is a mixed question of fact and the same cannot be decided at this stage. On this ground, the I.A.No.727 of 2014 was dismissed. The learned counsel would further submit that the Trial Court may frame this as a preliminary issue and pass appropriate orders.

3.Heard the learned counsel on either side.

4.In view of the above submissions, the Trial Court during the trial in O.S.No.88 of 2014 shall frame the said issue as one of the preliminary issues under Order IV Rule 1 & 2 and pass appropriate orders.

5. With the above observation, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.04.2019

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The I Additional District Munsif Court
Erode



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M.DHANDAPANI, J.

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