



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 13.11.2019

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. (NPD) (MD) No.1354 of 2013

G.K.Gopikumar

.. Petitioner/Respondent/Plaintiff

Vs.

The Branch Manager,
Mahindra and Mahindra,
Financial Services Limited,
Kumbakonam,
Thanjavur District.

.. Respondent/Petitioner/Defendant

Prayer : This Civil revision petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order passed by the learned Principal District Munsif, Kumbakonam in I.A.No.159 of 2013 in O.S.No.252 of 2011 dated 14.06.2013.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.Prasanna Vinoth

ORDER

The above Civil Revision Petition is filed, challenging the order passed by the learned Principal District Munsif, Kumbakonam, allowing the application filed by the defendants to take up the issue of jurisdiction as a preliminary issue, in view of Clause 30 of the agreement dated 31.07.2007, entered into between the parties.

2.From a perusal of the order, it is seen that the document based upon, which the preliminary issue was sought to be raised was not even marked. However, the learned Judge has proceeded to pass orders.

3.In the meanwhile, it is informed that the vehicle, which is the subject matter of the suit, has been sold in public auction on 29.12.2010, even prior to the filing of the suit by the revision petitioner/plaintiff.

4.Therefore, the cause of action for filing the suit does not exist. The Civil Revision Petition is therefore, dismissed. Since the suit has become infructuous, liberty is given to the petitioner



to move necessary applications/proceedings to recover the money from the defendant. No Costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

WEB COPY

Sub Assistant Registrar(CS)

Mrn

To

1.The Principal District Munsif, Kumbakonam.

+1 CC to M/s.S. CALVIN CHRISTOPHER, Advocate (SR-98002[F] dated 13/11/2019)

+1 CC to M/s.M. KARUNANITHI, Advocate (SR-98039[F] dated 13/11/2019)

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dks (CO)

TR(19.12.2019) 2P 4C