



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.(MD)Nos.163 & 164 of 2019

WEB COPY

Jayachandran

... Review Petitioner/Applicant
in Rev.Aplc.(MD)No.163 of 2019

R.G.Srinivasan

... Review Petitioner/Applicant
in Rev.Aplc.(MD)No.164 of 2019

Vs.

Narayanan

... Respondent/Respondent
in both petitions

Common prayer: Review applications are filed under Order XLVII Rule 1 & 2 and Section 114 of C.P.C., to review the order dated 02.01.2019 made in C.R.P.(MD)Nos.1786 and 1787 of 2018 on the file of this Court in its appellate jurisdiction.

Common Prayer in CRP(MD).Nos. 1786 and 1787 2018 :

Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.04.2018 made in I.A.Nos.48 and 47 of 2016 in O.S.No.120 of 2015 on the file of the Additional District Court (Fast Track Court) Kumbakonam respectively may be struck off in O.S.No.120 of 2015 .

(in both petitions)

For Petitioners

: Mr.S.Parthasarathy,

Senior Counsel for Mr.K.Govindarajan

For Respondent

: Mr.M.S.Balasubramaniya Iyer

C O M M O N O R D E R

These review petitions have been taken out by the petitioners in C.R.P.(MD)Nos.1786 and 1787 of 2018. The petitioners are the defendants in O.S.No.120 of 2015 on the file of the Principal District Judge, Fast Track Court, Thanjavur. They wanted the said suit to be struck off. They filed interlocutory application with that prayer. The interlocutory application suffered dismissal. Challenging the same, the revision petitions



were filed before this Court.

2. Before me, it was argued that the plaintiff in the present suit along with one T.Premkumar had earlier filed O.S.No.16 of 2011 before the Principal District Judge, Thanjavur and that the said suit suffered dismissal on the ground of limitation. But then, I had given a finding that the earlier suit filed by the plaintiff herein was rejected as the suit was said to have been barred by limitation. Therefore, I accepted the contention of the plaintiff's counsel that in view of Order 7 Rule 13, the subsequent suit cannot be said to be barred.

3. The learned Senior counsel appearing for the review applicants would state that this issue can be left open. I accept the said request. If such an issue with regard to limitation is raised by the defendants, the same shall be answered on merits by the Court below without any reference to or being influenced by the orders passed in the aforesaid civil revision petitions.

4. With this liberty and clarification, the review petitions stand dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Principal District Judge,
Fast Track Court, Thanjavur.

+1 CC to Mr.M.S. BALASUBRAMANIAN, Advocate (SR-100090[F] dated 21/11/2019)

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