



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 05.11.2019

CORAM

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) .No.685 of 2019

and

C.M.P. (MD) .No.3766 of 2019

1.Karpagam

2.Ramar

... Petitioners/Respondents 1 and
2/ Defendants 1 and 2

-Vs-

1.Pitchaiappan

...1st Respondent/ Petitioner/
Plaintiff

2.The Tahsildar,
Office of the Tahsildar,
Rajapalayam Town,
Virudhunagar District.

... 2nd Respondents/3rd Respondent/
3rd Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.03.2018 passed in I.A.No.60 of 2018 in O.S.No.144 of 2011 on the file of the Sub Court, Srivilliputhur.

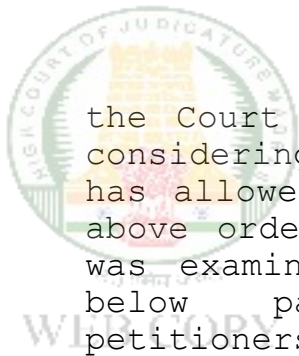
For Petitioners : Mr.M.Kannan
For R1 : Mr.M.Jothibasu
For R2 : No appearance

O R D E R

The Civil Revision Petition has been filed challenging the order passed by the Sub Court, Srivilliputhur in I.A.No.60 of 2018 in O.S.No.144 of 2011, dated 02.03.2018.

2. The first respondent herein is the plaintiff in O.S.No.144 of 20122 and he has filed an application in I.A.No.60 of 2018 before

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the Court below to amend the plaint in O.S.No.144 of 2011. After considering the submissions of both the counsels, the Court below has allowed the application to amend the plaint. Subsequent to the above order, the plaintiff has filed the amended plaint and P.W.1 was examined. However, aggrieved by the said order of the Court below passed in I.A.No.60 of 2018, the revision petitioners/defendants 1 and 2 filed the present civil revision petition stating that the first respondent/plaintiff has not even mentioned the date on which he was dispossessed from the suit property. According to the first respondent/plaintiff, the revision petitioners herein forcibly obtained the possession and in this regard, a police complaint also given.

3. The grievance of the revision petitioners is that the first respondent herein has not mentioned the date of dispossession of the first respondent from the suit property and he has not filed the copy of the F.I.R. before the Court below. But the Court below without considering all these aspects allowed the application. According to the revision petitioners, the alleged incident said to have happened even barred by limitation. When that being the case, no issue was framed with regard to the limitation.

4. Heard the learned counsel for the revision petitioners, learned counsel for the first respondent and perused the materials available on record.

5. On perusal of the amended plaint, it appears that the first respondent herein has not mentioned about the date of dispossession of the first respondent from the suit property. When that being the case, the learned counsel for the revision petitioners fairly made a submission that in case, this Court is not inclined to allow the revision petition, issue appropriate direction to the Court below to frame issues with regard to the limitation and decide the issue relating to dispossession of the first respondent from the suit property, at the time of final disposal of the suit. The learned counsel appearing for the first respondent has also no objection for the same.

6. In view of the submissions made by both the counsels, this Court is inclined to pass the following order:

The Sub Court, Srivilliputhur is directed to frame additional issues with regard to the limitation and to decide the issue relating to dispossession of the first respondent from the suit property.

7. With the above direction, the Civil Revision Petition is disposed of. However, considering the facts and circumstances of the case, the Sub Court, Srivilliputhur is directed to dispose of the



suit in O.S.No.144 of 2011 within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

WEB COPY

// True Copy //

Sub Assistant Registrar (CS)

akv

To

1.The Sub Court,
Srivilliputhur.

2.The Tahsildar,
Office of the Tahsildar,
Rajapalayam Town,
Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-96133[F] dated 05/11/2019)

+1 CC to M/s.M.KANNAN, Advocate (SR-96758[F] dated 07/11/2019)

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