

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No.1997 of 2019
and C.M.P.No.12982 of 2019

Ponnusamy
S/o.Ganapathy Gounder

... Petitioner

Vs.

1.K.Govindaraj
S/o.Kulandhaivel
2.K.Duraisamy
S/o.Kulandhaivel
3.K.Mohanraj
S/o.Kulandhaivel

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.12.2018 passed in I.A.No.980 of 2018 filed in O.S.No.363 of 2018 by the learned I Additional District Judge at Tiruppur.

For Petitioner : Mr.K.S.Kaviarasu

ORDER

The petitioner has preferred this Civil Revision Petition against the dismissal of petition filed under Order VII, Rule 11 of Civil Procedure Code for rejection of plaint.

2. The Trial Court has considered the plaint averments and found that it involves the issues of fraud and coercion and as such full-fledged trial is required for proper consideration of disputed facts and to arrive at a decision and accordingly, dismissed the petition filed for rejection of plaint.

3. It is well settled that fraud is a matter of fact and it needs to be proved by trial. I do not find any infirmity in the order passed by the trial Court. However, considering the hardship pleaded by the defendant that the property has already been partitioned and the suit is not maintainable, this Court is inclined to order speedy disposal. But, the matter is at the initial stage and written statement is yet to be filed. In these circumstances, this Court cannot fix any time limit for speedy disposal of the petition. Therefore, a direction is given to the Trial Court to conduct the proceedings as expeditiously as possible. The parties shall co-operate with the Trial Court for speedy disposal.

4. With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.08.2020

ms/asi

To

The I Additional District Judge,
Tiruppur.



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CRP (PD) No.1997 of 2019

M.GOVINDARAJ, J.

ms/asi



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