



CRP.(PD).No.945/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP(PD)No.945 of 2022
& CMP.No.4822 of 2022

1.Mr.E.Vamanan
2.Mrs.V.Kala

... Petitioners

Vs

Mr.M.Savari Muthu

...Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and final order dated 17/02/2022 passed in I.A.No.527 of 2019 in O.S.No.19 of 2019 on the file of the learned Principal District Judge, Kancheepuram.

For Petitioner : Mr.S.Raman



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ORDER

The defendants in O.S.No.19 of 2019 has come forward with this Revision challenging an order dismissing his Application in I.A.No.527 of 2019 which he had taken out for rejection of plaint. It is an admitted fact that the defendants, the owners of a certain property had entered into an agreement of sale with the plaintiff and had also received about Rs.3.7 Crores as advance amount. This had happened sometime in 2014, and in 2019, the plaintiff had laid a suit for return of the money coupled with a prayer for creating a charge for the said amount over the property of the defendants.

2.The learned counsel for the revision petitioners/defendants have earlier taken out I.A.No.527 of 2019 for rejection of plaint essentially on the ground that the suit is barred by limitation. In the plaint, it was alleged that sometime in 2016, there was some kind of negotiation between the parties and the plaintiff has reckoned the *terminus quo* from 2016. The trial Court has rejected the Application on the ground that the question of limitation is a mixed question of law and fact and also considered that Article 62 of the



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Limitation Act could well save the suit.

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3.At this juncture, the learned counsel for the revision petitioners would interfere to state that inasmuch as the defendants/revision petitioners have admitted the receipt of Rs.1.50.50 Crores, they have agreed to return the advance amount, and the trial Court has made some arrangement to help the revision petitioners mobilize funds through the property they have.

4.On merits, this Court does not find any illegality or impropriety in the order passed by the trial Court. On the second part, this Court comes to understand that the trial Court is doing a good job in trying to resolve the matter amicably between the parties and give the entire dispute a quietus. This would mean, it may not be appropriate for the Court to sabotage any peace process which the trial Court has initiated. Either way, it is not appropriate for this Court to interfere with the order of the trial Court.



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N.SESHASAYEE, J.,

Tsg

5.In the result, the Civil Revision Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order/Non Speaking Order

Tsg

To

The III Additional Family Court,

Chennai.

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