

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:26.09.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR****C.R.P.(PD)No.3050 of 2022**

Sivakumar

...Petitioner

Versus

1.Sagoundalammalle
2.Peroumal
3.Vasantha @ Pokkilai

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decreetal order passed in I.A.No.1154 of 2015 in O.S.No.38 of 2010, passed by the Learned III Additional District Judge, Puducherry, dated 27.04.2021.

For Petitioner :Mr.B.Balavijayan

For Respondent :Mr.S.Raveekumar
Caveator for R3

O R D E R

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This Civil Revision Petition is filed challenging the order passed by the Court below, dismissing the petition filed by the petitioner seeking to reject the counter claim filed by the 3rd respondent.

2. The learned counsel for the 3rd respondent viz., Mr.S.Raveekumar, Caveator, brought to the notice of the Court that the prayers made by the 3rd respondent by way of counter claim were incorporated in the plaint by subsequent amendments to the plaint. Therefore, the counter claim made by the 3rd respondent for setting aside the judgment and decree dated 13.07.2009 passed in O.S.No.389 of 2009, on the file of Principal District Judge, Pondicherry and the declaration that the settlement deed dated 03.02.2010 registered before the Office of the Sub Registrar, Thirukanur with Doc.No.179 of 2010 is no longer necessary.

3. In view of the fact that the prayer made by the second defendant/3rd respondent herein in the counter claim has already been



incorporated in the plaint, the counter claim made by the 3rd respondent is rejected as unnecessary. The revision petition is disposed of with the observation that the counter claim prayers made by the 3rd respondent herein are not necessary and the Court can proceed with the suit based on the amended plaint filed on 14.10.2014.

4. In view of the fact that the suit is of the year 2010, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs.

26.09.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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S.SOUNTHAR, J.

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To
The III Additional District Judge,
Puducherry.

C.R.P(PD)No.3050 of 2022

26.09.2022