



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 906 of 2022
and CMP(MD)No.3608 of 2022

V.Prabakaran

... Petitioner/Defendant

Vs

1.E.G.Shanthi

2.E.G.Purusotaman

3.E.G.Khirthan

... Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Section 227 of Civil Procedure Code to set aside the fair and executable order passed in I.A. No. 301 of 2021 in O.S. No. 1135 of 2018 by the learned II Additional Subordinate Judge Madurai dated 10.02.2022.

For Petitioner : Mr.M.Rajaraman

For Respondents : Mr.R.Ramadurai (R2)

No Appearance (R1 & R3)

ORDER

To set aside the fair and executable order passed in I.A. No. 301 of 2021 in O.S. No. 1135 of 2018 by the learned II Additional Subordinate Judge Madurai, dated 10.02.2022, the revision petitioner has filed this Civil Revision Petition before this Court.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.I.A.No.301 of 2021 in O.S.No.1135 of 2018 was filed by the petitioner/defendant, under Order 7 Rule 10 C.P.C., to determine jurisdiction of the Court to try the suit, as preliminary issue. Originally, the respondent/plaintiff filed the suit for redemption. The mortgage deed executed for a sum of Rs.1,00,000/- and as per the averments the plaintiff paid a sum of Rs.10,25,000/- to the defendant for usage of property. Now the defendant has filed a written statement stating that the above said amount was not paid for mortgage. Whether a sum of Rs.10,25,000/- was given to the defendant for mortgage or otherwise, it should be decided only after evidence. Therefore, the trial Court has rightly dismissed the petition and this Court finds no interference in the order passed by the Court below.



4. Accordingly, this Civil Revision Petition stands dismissed, thereby, confirming the order in I.A. No. 301 of 2021 in O.S. No. 1135 of 2018, passed by the learned II Additional Subordinate Judge Madurai, dated 10.02.2022. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The II Additional Subordinate Judge Madurai.

2.The Record Keeper,

Vernacular Section, Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.R. RAMADURAI, Advocate (SR-20227[F] dated 21/04/2022)

ORDER IN
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TR(09.05.2022) 2P 5C