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C.R.P.No.2684 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.2684 of 2019
and CMP.No.17713 of 2019

K.Senkottuvelan

.. Petitioner / Petitioner /
7th defendant

Vs

1.S.Murugesan
2.K.S.Subramaniam

..Respondents / Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 24.07.2019 made in I.A.No.02 of 2019 in O.S.No.63 of 2010 on the file of the Principal District Munsif Court, Thiruchengode, by allowing the civil revision petition.

For Petitioner : Mr.M.Guruprasad

For Respondents : No appearance



C.R.P.No.2684 of 2019

ORDER

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1.1 In a suit in O.S.No.63 of 2010 on the file of the Principal District Munsif Court, Thiruchengode, laid against certain revenue officials of the State for a declaration that the plaintiffs are entitled to obtain patta etc., the seventh defendant/present revision petitioner came to be impleaded some three years later. He claimed right over the property in question and has laid his written statement. While so, he had taken out I.A.No.2 of 2019, seeking the leave of the Court for receiving his additional written statement.

1.2 In his additional written statement, the seventh defendant had taken out a plea that the suit is barred by limitation in view of Section 14 of Tamil Nadu Patta Passbook Act, 1983. This was dismissed by the trial Court essentially on the ground that the Court is under a duty to take judicial notice of the statute, and that it does not require any additional statement. This order is now under challenge.

3. Heard both sides. While this Court is in absolute concurrence with the line of reasoning of the trial Court that it has taken up a legal plea regarding bar of the suit, that by itself is not prohibited either. After all, the seventh



C.R.P.No.2684 of 2019

defendant/revision petitioner only wants to take up a plea as to the statutory bar to the maintainability of the suit, the Court need not be fastidious about it.

4. In fine, this Court allows the revision. The trial Court is required to expedite the process of trial and dispose of the suit within a period of four months from today. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2023

Index : Yes / No
Speaking Order / Non-speaking Order
ds

To:

- 1.The Principal District Munsif
Tiruchengode.
- 2.The Section Officer
VR Section, High Court, Madras.



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C.R.P.No.2684 of 2019

N.SESHASAYEE.J.,

ds

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