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C.R.P.(PD).No.2888 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.R.P.(PD).No.2888 of 2019

and

C.M.P.No.3168 of 2020
and C.M.P.No.18775 of 2019

1.M.Jayalatha
2.Minor K.Vikram
Represented by his mother and
natural guardian Mrs.M.Jayalatha

... Petitioners

Vs.

1.R.Duraisamy
2.B.Kallikudi Karikalan
3.S.Rajalakshmi

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, seeking to set aside the order dated 25.01.2019 made in I.A.No.1651 of 2017 in O.S.No.277 of 2015 on the file of the Principal District Judge, Kancheepuram District, Chengalpattu.

For Petitioners	: Mr.S.Balasubramanian
For R1	: Mr.T.V.Krishnakumar
For R2 and R3	: Mr.A.Arumugam



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ORDER

The present revision is filed challenging an order passed by the trial Court in I.A.No.1651 of 2017 in O.S.No.277 of 2015, which the defendants have taken for rejection of the plaint in a suit for specific performance.

2.The suit property belongs to certain Kaveriselvan, who nominated his father as his Power of Attorney. On the strength of the Power of Attorney, the power holder / the father of the owner of the property entered into a sale agreement dated 16.03.2007 in favour of the plaintiff. The said agreement did not stipulate the time for performance.

3.Be that as it may, the principal, the son of the power of attorney predeceases him in 2014. Thereafter, the agreement holder issued a suit notice in 2015, and thereafter, laid the suit for specific performance.

4.The defendants in the suit took up multiple contentions to seek rejection of the plaint and each of which were considered by the trial Court which found that the objection raised are issues for trial, and that it cannot be entertained



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under Order 7 Rule 11 A C.P.C.

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5.Heard the learned counsel for the revision petitioner and the learned counsel for the respondents 1 to 3.

6.Learned counsel for the revision petitioners stuck to the stands which the defendants had taken before the trial Court in I.A.No.1651 of 2017. On perusing the order, this Court finds that the order of the trial Court is in order and does not warrant any interference.

7.This Court understands that the trial of the suit has commenced and P.W.1 is being cross examined and the same is halted due to the pendency of this revision. The trial Court is now required to expedite this 8 years old litigation as expeditiously as possible, preferably within a period of four months from today. All the contention now raised by the revision petitioners / defendants is left open for him to raise before the trial Court.



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N.SESHASAYEE, J.

Anu

8.This Civil Revision Petition stands dismissed accordingly. Consequently,
the connected miscellaneous petitions are closed. No costs.

13.04.2023

Anu

Index : yes / no

Internet : yes / no

Speaking / Non Speaking order

To.

The Principal District Judge, Kancheepuram District, Chengalpattu.

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and

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