



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.250 of 2023

and

C.M.P.No.2045 of 2023

G.Senthilkumar

... Petitioner

Vs.

Minor S.Sruktheksha,
Rep. by her guardian and mother,
S.Abirami,
D.No.8 / 796-B, Sakthillam,
Abiramni Marbils Road,
Vasavi College Post,
Lakshmi Nagar, Chithode,
Erode District.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the petition and order dated 22.09.2022 made in I.A.SR.No.2529 of 2022 in O.S.No.140 of 2012 on the file of the Court of the II Additional District Judge, Salem.

For Petitioner

: Mr.R.Nandha Kumar



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ORDER

The civil revision petition is filed against the order dated 22.09.2022 passed in I.A.SR.No.2529 of 2022 in O.S.No.140 of 2012 on the file of the Court of the II Additional District Judge, Salem.

2. The revision petitioner is the 1st defendant and the respondent, instituted a Suit for partition. Written statement was filed on 21.01.2019 itself. The Suit was posted for cross-examination of PW1 and some of the defendants attained majority and amendment petitions were also filed and pending. The Trial Court made a finding that the present Suit is the oldest case pending on the file of II Additional District Court, Salem and after a lapse of long years from the institution of the Suit, the revision petitioner has filed an Interlocutory Application to reject the plaint under Order VII Rule 11 of the Code of Civil Procedure. The Trial Court made a finding in paragraph 7 of the plaint that the detailed cause of action has been stated by the plaintiff. Therefore, any dispute in this regard are to be adjudicated during the trial.



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3. This Court is of the considered opinion that the Suit has been instituted in the year 2012 and pending for the past more than 10 years. Already written statement was filed and the case was posted for cross-examination of PW1. The Trial Court rightly rejected the Interlocutory Application filed for rejection of the plaint under Order VII Rule 11 of CPC., and the parties are at liberty to establish their respective cases through documents and evidence. The Trial Court is expected to dispose of the case as expeditiously as possible without granting unnecessary adjournments at the instance of either of the parties on flimsy grounds.

4. Accordingly, the order dated 22.09.2022 passed in I.A.SR.No.2529 of 2022 in O.S.No.140 of 2012 stands confirmed and consequently, the Civil Revision Petition in C.R.P.No.250 of 2023 is dismissed. No costs. Connected Miscellaneous Petition is closed.

07.02.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes



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To

The Judge,
II Additional District Court,
Salem.



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S.M.SUBRAMANIAM, J.

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