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C.R.P.No. 4722 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4722 of 2023

and

C.M.P.No.28018 of 2023

Prabhakaran

... Petitioner

-Vs-

1. S.R.Mohanakrishnan
2. Tharani
3. Vinoth Prabhakar
4. Venkatesan
5. A.Rajagopal

6. Sub-Registrar,
Joint-1, Cuddalore,
Office of Sub-Registrar,
Joint-1, Thiruppapuliyur,
Cuddalore-2.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 11.07.2023 made in O.S.No.138 of 2020 on the file of Addl. District Munsif Court, Cuddalore in recalling the order dated 17.03.2022 made in I.A.No.49 of 2022 in O.S.No.138 of 2020 on the file of Addl. District Munsif Court, Cuddalore.



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For Petitioner : Mr.P.Gopiraja

ORDER

Challenging the impugned order passed in O.S.No. 138 of 2020 passed by the Addl. District Munsif, Cuddalore in recalling the order dated 17.03.2022 made in I.A.No.49 of 2022 in O.S.No.138 of 2020 on the file of Addl. District Munsif Court, Cuddalore, the Revision Petitioner/1st defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. The learned counsel for Revision Petitioner would submit that in the suit, to frame the preliminary issue, enquiry was conducted, but thereafter, the trial judge recalled the preliminary issue. Aggrieved over the same, the Revision Petitioner/1st defendant preferred this Civil Revision Petition.

4. On perusal of the order passed by the trial judge, there was no reason assigned for recalling the preliminary issue, but the trial judge simply stated that those issues cannot be tried separately and it has to be tried along with remaining issues. But, as per the observation made by the



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trial judge that the limitation issue is the pending issue, it can be tried along with remaining issues. At the time of filing the suit, the plaintiffs claimed the relief for the declaration to cancel the sale deed and other consequential relief. The 1st defendant has also filed detailed written statement. Now the suit is ripe for trial. The issue is not only with limitation aspect and the other claim made by the plaintiffs is also denied by the 1st defendant by relying the findings in O.S.No. 210 of 2012. Therefore, the trial judge has rightly observed the findings, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. Furthermore, since there was another proceedings in respect of the suit property, the trial judge is directed to complete the trial and dispose the case within a period of five months from the date of receipt of copy of this order. No costs. Consequently, the connected C.M.P. is closed.

21.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Addl. District Munsif, Cuddalore.



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T.V.THAMILSELVI, J.

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