



C.R.P.(PD) (MD) No.1624 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P.(PD) (MD) No.1624 of 2014

Rajupillai

... Petitioner

-VS-

1.Chellammal

2.Sivabalan

3.Hemalatha

4.The Sub-Registrar
Sub-Registration Office
Thuraiyur
Trichy

5.The District Registrar
District Registration Office
Trichy

6.State represented by
The District Collector
Collectorate Office
Trichy

... Respondents



C.R.P.(PD) (MD) No.1624 of 2014

WEB C PRAYER: Civil revision petition is filed, under Article 227 of the Constitution of India, to set aside the order passed in S.R.No.480 of 2014 in unnumbered O.S.No.....of 2008, on the file of the District Munsif Court, Thuraiyur, dated 03.03.2014.

For Petitioner : Mr.C.Vakeeswaran

For Respondents : No appearance for R1
Mr.Raguvaran Gopalan
for Mr.K.Prabhakar for R2 & R3
Mr.P.T.Thiraviyam
Government Advocate for R4 to R6

ORDER

There is no representation for the first respondent, despite printing of her name in the cause list.

2. Heard Mr.C.Vakeeswaran, learned counsel appearing for the petitioner; Mr.Raguvaran Gopalan, learned counsel representing Mr.K.Prabhakar, learned counsel on record for the respondents 2 & 3 and Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 4 to 6.



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3. This civil revision petition is preferred by the petitioner / plaintiff against the order dated 03.03.2014, passed in SR.No.480 of 2014 in Unnumbered O.S.No.....of 2008, by the learned District Munsif, Thuraiyur.

4. It is seen that the unnumbered suit was rejected by the learned Trial Judge, on the ground that though the suit is maintainable for the relief of declaration, the third relief sought for is not maintainable for want of limitation under Article 67 of the Limitation Act, 1963.

5. However, learned counsel appearing for the respondents 2 and 3 would submit that he has no objection for allowing this civil revision petition, provided, the question of limitation has to be left open for the Trial Court to decide the same, as it is a mixed question of fact and law.

6. In view of the above, leaving the question of limitation open to the Trial Court to decide the same on merits and in accordance with law, the order dated 03.03.2014, passed in SR.No.480 of 2014 in Unnumbered O.S.No.....of 2008, by the learned District Munsif, Thuraiyur, is set aside. The Trial Court is directed to number the unnumbered suit and dispose of the same on merits and in accordance with law, as expeditiously as possible.



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7. Accordingly, this civil revision petition is allowed. No costs.

30.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

Note to Office: Registry is directed to return the original papers to the petitioner forthwith, after obtaining due acknowledgment.

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To:

- 1.The District Munsif,
Thuraiyur.
- 2.The Sub-Registrar,
Sub-Registration Office,
Thuraiyur, Trichy.
- 3.The District Registrar,
District Registration Office,
Trichy.
- 4.The District Collector
Collectorate Office
Trichy



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L.VICTORIA GOWRI, J.

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