



C.R.P.(PD)(MD)No.2597 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(PD)(MD)No.2597 of 2023

and

C.M.P.(MD)No.13509 of 2023

Anbuselvi

: Petitioner/Petitioner/
1st Defendant

Vs.

1.Veerachamy

2.Paramaeswari

: Respondents 1 & 2/Respondents/
Plaintiffs 1 & 2

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 17.02.2022 made in I.A.No.24 of 2021 in O.S.No.90 of 2019 on the file of the learned Sub Court, Aranthangi.

For Petitioners : Mr.B.Jameel Arasu

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.24 of 2021 in O.S.No.90 of 2019, dated 17.02.2022 on the file of



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the Sub Court, Aranthangi, dismissing the petition filed under Order 7 Rule 11 C.P.C.

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2.The respondents have filed a suit in O.S.No.90 of 2019 to declare that the sale deed, dated 31.03.2017 alleged to have been executed in favour of the first defendant by the defendants 2 to 14 as null and void. Pending suit, the first defendant has filed an application for rejection of plaint on the grounds of *res judicata* and estoppel, in view of the decision rendered in the earlier suit in O.S.No.190 of 2010.

3. Hon'ble Supreme Court in catena of decisions has reiterated the settled legal position that the pleas of '*res judicata*' and 'estoppel' cannot be invoked as grounds for rejection of plaint and the same has to be considered at the trial.

4. Considering the above, the impugned order dismissing the petition cannot be found fault with and hence, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed.



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5. At this juncture, the learned counsel for the petitioner would submit that the trial Court may be directed to dispose of the suit within the time stipulated by this Court.

6. Considering the above and also the fact that the suit is pending from 2019 onwards, the trial Court is directed to proceed with the trial and dispose of the same within a period of six month from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

10.10.2023

NCC : Yes/ No

Index : Yes/No

Internet : Yes/No

das



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K.MURALI SHANKAR,J.

das

To

- 1.The Sub Judge, Aranthangi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P(PD)(MD)No.2597 of 2023
and
C.M.P.(MD)No.13509 of 2023

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