



C.R.P.(MD)No.2968 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2968 of 2023
and
C.M.P.(MD)No.15254 of 2023

N.Tamilarasan : Petitioner/Petitioner/Defendant

Vs.

1.Damodharan

2.J.Gopalakrishnan

3.J.Sivaramakrishnan

4.J.Sangeethkumar : Respondents/Respondents/
Plaintiffs

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 15.09.2023 passed in I.A.No.627 of 2023 in O.S.No.1037 of 2013 on the file of the learned I Additional Subordinate Judge, Madurai.

For Petitioner : Mr.N.Vallinayagam



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C.R.P.(MD)No.2968 of 2023

For Caveator : Mr.C.R.Kasi Viswanathan, for R1.

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.627 of 2023 in O.S.No.1037 of 2013, dated 15.09.2023 on the file of the learned I Additional Subordinate Judge, Madurai, dismissing the petition filed under Order VII Rule 11 C.P.C.

2. The respondents/plaintiffs have filed the above suit to declare that the sale deed executed by them dated 10.09.2007 as null and void. It is evident that the suit was filed in the year 2013, but the above application came to be filed in 2023.

3. The learned counsel for the petitioner would submit that the plaintiffs by alleging that the suit property was owned by their father Jeyaraman; that when they were trying to sell the suit property, the defendant approached the plaintiffs and agreed to purchase the suit property and that they have sold out the property to the plaintiffs for



C.R.P.(MD)No.2968 of 2023

valuable consideration; that they came to know subsequently that the suit property was not belonging to them, have laid the above suit for declaration and injunction. He would submit that after selling the suit property for valuable consideration, for the reasons best known to them, they have challenged the sale deeds executed by themselves.

4. As rightly observed by the learned trial Judge, the above aspects canvassed are matter for trial and the same cannot be considered as ground for rejection of plaint.

5. Considering the above and also the fact that the above petition came to be filed after ten years from filing of the suit, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. However, since the suit is pending from 2013, the trial Court is directed to proceed with the trial and dispose of the suit within a period of three months from



C.R.P.(MD)No.2968 of 2023

the date of receipt of copy of this order. No costs. Consequently,
connected Miscellaneous Petition is closed.

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10.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1. The I Additional Subordinate Judge, Madurai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2968 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2968 of 2023
and
C.M.P.(MD)No.15254 of 2023

Dated : 10.11.2023