



C.R.P.(MD)No.1803 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1803 of 2023

and

C.M.P.(MD)No.9005 of 2023

Velusamy

... Petitioner / Petitioner / Defendant

Vs.

Rengasamy

... Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to reverse and set aside the fair and decreetal order in I.A.No.02 of 2020 in O.S.No.19 of 2020 on the file of the Subordinate Judge Court, Manapparai, dated 09.01.2023.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.N.Kamesh

ORDER

Heard both sides.



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2. The revision petitioner had purchased the suit property at a court auction sale held on 18.02.1987. The respondent herein claims to have purchased the suit property from the original owner even before the suit was instituted against him. Several factual aspects are involved.

3. The learned counsel appearing for the revision petitioner would strongly submit that the petition filed by the plaintiff under Order 21 Rule 58 suffered dismissal and that it would operate as resjudicata. This contention does have considerable technical force. Since quite a few factual aspects are involved, it is only just and proper that all the issues are thrashed out in the main hearing. It may not be safe to go into these contentious aspects in a petition filed under Order 7 Rule 11 of C.P.C.

4. In this view of the matter, the impugned order passed by the trial Court is sustained. All the contentions of the revision petitioner are left open. The Civil Revision Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:
The Subordinate Judge Court, Manapparai.



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G.R.SWAMINATHAN, J.

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