



CRP(MD).No.168 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.168 of 2025

1. Venkatesh
2.Thangavadivel : Petitioners / defendants

Vs.

1.Kannammal
2.Pandiammal
3.Petchiammal
4.Pandi
5.Pandiammal
6.Panchavarnam
7.Muthumari
8.Chitra Devi
9.Andiselvam

10.The Sub Registrar,
Thirumangalam Sub Registrar Office,
Madurai Road,
Thirumangalam,
Madurai District.

11.The Tahsildar,
Thirumangalam Taluk,
Tahsildar office,
Thirumangalam,
Madurai District.



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12. The District Collector,
Madurai District,
Madurai.

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the docket order, dated 07.01.2025 in A.No. 10144 of 2024 in O.S.No.291 of 2024 on the file of the Subordinate Judge, Thirumangalam, Madurai District.

For Petitioner : Mr.K.Guhan

ORDER

This Civil Revision Petition has been filed against the docket order, dated 07.01.2025 made in I.A.sr.No.10144 of 2024 in O.S.No.291 of 2024 on the file of the Subordinate Court, Thirumangalam, Madurai District.

2. According to the revision petitioners, the respondents as plaintiffs filed the above said suit in O.S.No.291 of 2024 on the file of the Sub Court, Thirumangalam, Madurai District for the relief of specific performance, declaration of title and for permanent injunction. Pending suit, the revision petitioners / defendants took out an application in I.A.Sr.No.10144 of 2024 under Order 7 Rule 11 r/w. 151 CPC on the

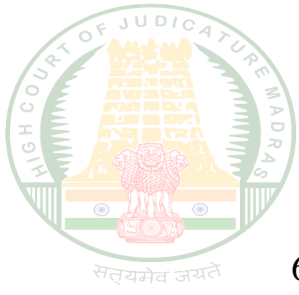


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ground that the above suit is barred by limitation. However, the trial Court returned the said application by stating that “there is no prescribed time in the agreement for sale to perform contract. Hence, this petition is not maintainable”. Aggrieved by the same, the present revision is preferred and seeking for issuing a direction to the trial Court to number the said application.

3. Heard. Records perused.

4. It has been repeatedly held by this Court as well as the Hon'ble Apex Court that at the time of numbering the application, the learned Judge has to see whether cause of action has been made out or not and after numbering the application, if any defect is found out, the Court can always reject the application. Numbering the application is a ministerial act. No roving enquiry can be done at the time of numbering the application. Considering the facts and circumstances of the case, the learned trial Judge is directed to number the execution application and dispose the same on its own merits and in accordance with law, after giving sufficient opportunity to both the parties.



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6. With the above direction, this Civil Revision Petition is disposed

of. No costs.

28.01.2025

Index : Yes / No

Internet : Yes/ No

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Note: Registry is directed to return the original papers after substituting the xerox copy of the same.

To

The Subordinate Judge, Thirumangalam,
Madurai District.



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K. GOVINDARAJAN THILAKAVADI, J.,

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