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CRP No. 2194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 2194 of 2023

1. K. Tamilarasan
S/o. D.C. Krishnan, No. 4/202-A,
Chinnathayammal Colony, Ilakkampatti,
Dharmapuri Town and District.

Petitioner(s)

Vs

1. The State Bank Of India
Rep. by the Senior Manager, Nathaji Bye
Pass Road, Dharmapuri Town - 636 701.

2.I. Saud Syed Irfan
S/o. D.S.Irfon, No.13, Keez Mosque Street,
Dharmapuri - 636 702.

3.D.S. Irfan
S/o. N.S.Syed Sahib, No.13, Keez Mosque
Street, Dharmapuri - 636 702.

Respondent(s)

Revision filed under Article 227 of Constitution of India against the order of the learned Principal District Judge, Dharmapuri dated 13.03.2023 made in Unnumbered O.S.C.R.No.324 of 2023.



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For Petitioner(s): Jeremiah Gregory John
For Respondent(s): Mr.P.M.Jayachandran
For R.3
R.1 & R.2 – No appearance

ORDER

Heard Mr.Jeremiah learned counsel for the petitioner and Mr.P.M.Jayachandran, learned counsel for the third respondent.

2. The revision petitioner is the plaintiff, who is aggrieved by the dismissal of rejection of the plaint even at the stage of numbering. Mr.Jeremiah, learned counsel for the petitioner states that the learned Principal District Judge, Dharmapuri has gone into the merits of the plaint allegations and averments and putting limitation against the petitioner, has proceeded to reject the plaint, even without numbering the suit. He placed reliance on the decision of this Court in *Selvaraj and Others vs Koodankulam Nuclear Power Plant India Limited represented through its Project Director, koodankulam, Ramanathapuram Taluk and Others* reported in 2021 (4) CTC 539 and also the order of this Court in *CRP (NPD) No.3043 of 2021 dated 25.01.2022 in Tecknoweld Alloys (India) Private Limited and another vs R.Saravanan and another*. This Court has repeatedly held that at the stage of numbering, the Court is only carrying out a



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ministerial function and is not supposed to exercise judicial functions and take up the mantle of the defendant and reject the plaint, that too, on the ground of limitation.

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3. Here, admittedly, the suit has been rejected on the ground that the suit is barred by limitation. It is for the defendant to take up such plea and even invoke the provisions of Order VII Rule 11 of Civil Procedure Code and seek for rejection of the plaint, if so advised.

4. However, the Court, at the stage of numbering, is not entitled to invoke Order VII Rule 11 of Civil Procedure Code or the provisions of the Limitation Act and reject the plaint.

5. For the above reasons and also following the ratio laid down by this Court in the case of ***Selvaraj and Others vs Koodankulam Nuclear Power Plant India Limited represented through its Project Director, koodankulam, Ramanathapuram Taluk and Others*** reported in ***2021 4 CTC 539***, I am inclined to set aside the order of the learned Principal District Judge, Dharmapuri dated 13.03.2023 made in Unnumbered O.S.C.R.No.324 of 2023.



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P.B.BALAJI.,J

sr

6. Accordingly, the civil revision petition is allowed. The learned Principal District Judge, Dharmapuri shall number O.S.C.R.No.324 of 2023, if it is otherwise in order and shall thereafter, proceed with the suit in a manner known to law. Liberty is granted to the respondents herein to move an application, seeking rejection of the plaint, invoking any of the limbs of Order VII Rule 11 of Civil Procedure Code, if so advised. If any such application is filed, the same shall be disposed of within a period of three months.

7. Registry is directed to return the original plaint to the learned counsel for the petitioner, if filed, to enable to represent the plaint before the Principal District Court, Dharmapuri. No costs.

21.07.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The Principal District Court, Dharmapuri

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