



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4091 of 2026

and

CMP No. 17862 of 2026

1. Jagdish C.Bhojani
s/o Bhojani, Door No.12A, Ramalinga
Nagar, 4th Cross, Bharathi Park Road,
Coimbatore 641 011

2. Renuka J.Bhojani
w/o Jagdish C.Bhojani Door No.12A,
Ramalinga Nagar, 4th Cross, Bharathi
Park Road, Coimbatore 641 011

Petitioner(s)

Vs

1. S.Sabarigirish
s/o C.R.Seshan, Door No.17, Krishna
Layout, Ganapathy, Coimbatore 641
006

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to allow this Civil Revision Petition by setting aside the fair and decretal order dated 19.02.2026 in IA No.1/2024 in OS No.739/2024 on the file of the I Additional Subordinate Judge, Coimbatore and consequently reject the plaint in OS No.739/2024

For Petitioner(s): Mr.M.Santhanaraman

For Respondent(s): Notice dispensed with



ORDER

This civil revision petition has been filed, challenging the impugned order dated 19.02.2026 passed by the I Additional District Court, Coimbatore in I.A. No.1 of 2024 in O.S. No.739 of 2024.

2. In the aforesaid order, the application filed by the petitioners / defendants under Order VII Rule 11 (a) & (d) read with Section 151 CPC, seeking for rejection of plaint filed in O.S. No.739 of 2024, has been dismissed.

3. The trial court, while dismissing the application, has held that the disputes raised by the petitioners / defendants are mixed question of facts and law, which can be decided only after trial.

4. The learned counsel for the petitioners would submit that the suit filed by the respondent / plaintiff is barred by the law of limitation. She would submit that eventhough such a plea was taken by the petitioners / defendants in I.A. No.1 of 2024, the trial court under the impugned order has not considered the same. She would submit that the suit was filed on 20.05.2024 and the suit promissory notes are dated 25.05.2021 and 26.05.2021.

5. On a *prima facie* consideration, this Court finds that the suit has been filed within the period of three years from the date of the execution of the suit



promissory notes. Though the learned counsel for the petitioners would submit that the suit was not numbered on 20.05.2024 and was returned by the Registry of the court on that date and therefore, according to her, the suit has not been filed within the period of limitation.

6. The said contention has to be rejected by this Court, as it is only the date of filing of the suit, which has to be considered for the purpose of calculating the limitation. Since the date of filing of the suit was on 20.05.2024, which is within the period of limitation from the date of execution of the suit promissory notes, this Court, on a *prima facie* consideration, as observed earlier, holds that the contentions of the petitioners with regard to the limitation, if at all, can be decided only after trial and not through an application under Order VII Rule 11 CPC.

7. The trial court has rightly held in the impugned order that the dispute raised by the petitioners are all mixed question of facts and law, which can be decided only after trial. While deciding an application under Order VII Rule 11 CPC, the court will have to only look into the plaint averments and the plaint documents.

8. As seen from the plaint averments, the suit is well within the period of limitation and it is for the petitioners / defendants to disprove the contentions of



the respondent / plaintiff after letting in oral and documentary evidence in support of their defence raised in the written statement, which includes the plea of limitation.

9. This Court does not find any infirmity in the impugned order. Accordingly, this civil revision petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The I Additional Subordinate Court, Coimbatore.

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ABDUL QUDDHOSE J.

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