

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2334 of 2016
and
C.M.P.No.12029 of 2016

1.M/s.Polyfine Industries
Rep.by its Partners
1.O.R.Deepa
2.R.Sathiya
3.V.Ekambari

2.O.R.Deepa

3.R.Sathiya

4.V.Ekambari

.. Petitioners

Vs.

P.Gopal

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 29.03.2016 made in I.A.No.1064 of 2015 in O.S.No.67 of 2014 on the file of III Additional District Judge, Puducherry.

For Petitioners : Mr.Manoj Sreevalsan
For Respondent : Mr.M.Murugan for
Mr.N.Marikannan

ORDER

This revision challenges the order of learned III Additional District Judge, Puducherry, passed in I.A.No.1064 of 2015 in O.S.No.67 of 2014 on 29.03.2016.

2. Respondent/plaintiff has filed the suit in O.S.No.67 of 2014 seeking recovery of money i.e., the original debt of Rs.9,27,100/-. It is the plaintiffs' case that on 09.10.2012 cheque was issued by defendants towards repayment of debt and the same bounced. Petitioners/defendants moved I.A.No.1064 of 2015 seeking rejection of plaint. Such application was dismissed under the impugned order. There against, the present revision has been filed.

3. Learned counsel for petitioners submits that against the original borrowal on 11.03.2010, the suit has been preferred on 30.04.2014 and the mere issue of a cheque by defendants in the interim period would not amount to acknowledgment of debt. According to learned counsel only payment made towards the debt within the period of limitation would extend period thereof.

4. The submission of learned counsel for petitioners ignores Section 18 of the Limitation Act. Whether the alleged issue of cheque pleaded by respondent/plaintiff saves limitation in keeping with Section 18 of the

Limitation Act is a question for decision by the trial Court.

5. Finding no error in the order of the Court below, the Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2016

Index : Yes/No
Internet : Yes/No
kkd

To
The III Additional District Judge,
Puducherry.

C.T.SELVAM, J

kkd/gm

CRP.(PD) No.2334 of 2016

08.08.2016