

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-09-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.PD.No.3257 OF 2017

1.Kousalya
2.K.Usha
3.K.Gopi
4.K.Nagesh
5.K.Uma
6.K.Latha
7.K.Sathish
8.R.Subhulakshmi
9.R.Shobana
10.R.Vignesh

Petitioners

-VS-

Anandi Ramachandran

Respondent

Petition under Article 227 of the Constitution of India against the order, dated 10.07.2017, passed in O.S.S.R.No.37080 of 2017 on the file of I Assistant Judge, City Civil Court, Chennai.

For petitioners : Mr.A.P.Suryaprakasam

ORDER

This Civil Revision Petition is directed against the order, dated 10.07.2017, passed in O.S.S.R.No.37080 of 2017 on the file of I Assistant Judge, City Civil Court, Chennai, rejecting the plaint, without numbering, on the ground of limitation, which, according to the petitioners/plaintiffs, the right to sue accrues from the date of knowledge i.e., from the year 2015, whereas, the Court below has returned the plaint, holding that it was barred by limitation.

2. According to the petitioners, they were not even born at the time of the alleged document, which was executed in the year 1962, and, hence, the cause of action has arisen in their favour for the suit only from the date of knowledge.

3. Admittedly, the question as to whether the petitioners/plaintiffs had knowledge only from the year 2015 or not is to be decided by the Court below during trial, in which event, the respondent/defendant may come out with a plea for rejection of plaint under Order VII Rule 11 of C.P.C., and, even otherwise, the issue of limitation can be decided during trial.

4. Therefore, in order to subserve the ends of justice, the I Assistant Judge, City Civil Court, Chennai, is directed to number the plaint and proceed with the matter in accordance with law.

5. Civil Revision Petition is disposed of accordingly.

Index : Yes/No
Internet : Yes/No
dixit

05-09-2017

To

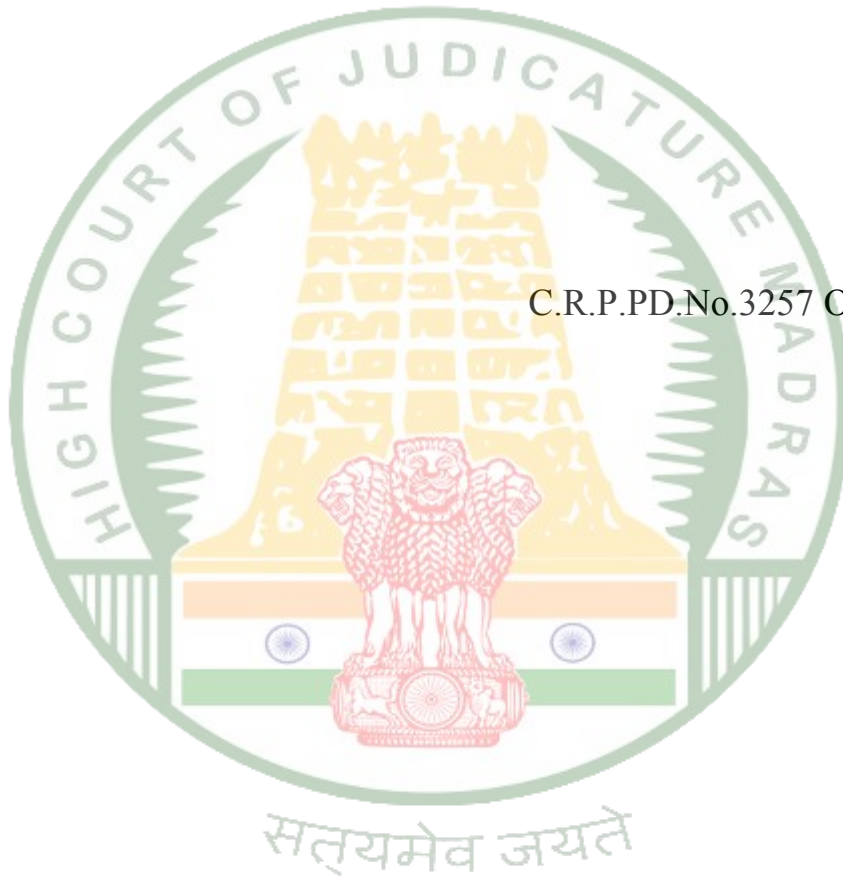
I Assistant Sessions Judge,
City Civil Court,
Chennai.



WEB COPY

M.GOVINDARAJ,J.

dixit



C.R.P.PD.No.3257 OF 2017

WEB COPY

05-09-2017