

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P (PD) No.147 of 2015

Shanthi

..Petitioner

Vs

Navaneetham

..Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 07/07/2014 passed by the Honourable Principal Sub Judge at Pondicherry in unnumbered O.S.No. /2014 and consequently direct the Hon'ble Court to number the suit and try the suit as per law.

For Petitioner :Mr.K.Sasindran

For Respondent :No Appearance

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ORDER

The question as to whether the suit is barred by limitation or not can be an issue in the suit and as such, the trial Court may not be justified in rejecting the plaint even without numbering. There is no procedure contemplated under the Civil Procedure Code and Civil Rules of Practice to reject the plaint without numbering on the ground of limitation. As such, I do not intend to go into the merits of reasoning given by the trial Court.

M.S. RAMESH.J.,

vsn/dh

2. If at all, the trial Court is of the view that the suit is barred by limitation, the same could be made as an issue only after numbering the suit. Hence, the endorsement made by the learned Judge is set aside. The order dated 07.07.2014 is set aside. Consequently, the learned Judge is called upon to instruct his registry to take up the plaint on file and to number the plaint, if it is otherwise in order, within a period of one week from the date of receipt of a copy of this order.

3. Hence, the Civil Revision Petition is ordered accordingly.

12.12.2018

Index : Yes/No

vsn/dh

To

The learned Principal Sub Judge,
Pondicherry.

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