



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARANC.R.P. (MD) No.1642 of 2018

Thirukattupalli Town Panchayat,
Rep. by its Executive Officer,
Thirukattupalli Town,
Budalur Taluk,
Thanjavur District.

... Petitioner

Vs.

Lourdu Xavier Matric Higher Secondary School,
Rep. by its Secretary,
Palamaneri Road,
Thirukattupalli,
Budalur Taluk,
Thanjavur District.

... Respondent

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking a direction to the learned Principal Subordinate Judge, Thanjavur, to take the suit on file.

For Petitioner : Mr.V.Chandrasekar

ORDER

This Civil Revision Petition has been filed by the petitioner seeking a direction to the learned Principal Subordinate Judge, Thanjavur, to take the suit on file.

2.The petitioner, who is the Thirukattupalli Town Panchayat, Rep. by its Executive Officer, Thirukattupalli Town, Budalur Taluk, Thanjavur District, has filed the suit for recovery of a sum of Rs.2,94,560/- towards tax to be paid by the respondent/defendant.

3.The learned Principal Subordinate Judge, Thanjavur, by order dated 05.07.2017, has returned the plaint stating that the suit has been filed after expiry of time. Thereafter, the petitioner has represented the said suit stating that as per the Limitation Act, the suit should be filed within 12 years and hence, the suit is in time. Again, the learned Principal Subordinate Judge, Thanjavur, has returned the suit. Hence, the petitioner has come out with the present Civil Revision Petition.



4.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5.Insofar as limitation aspect is concerned, the same should be adjudicated by way of trial by framing an issue and the learned Principal Subordinate Judge, Thanjavur, ought not to have returned the plaint by stating that it was a time barred one. Therefore, this Civil Revision Petition is disposed of directing the learned Principal Subordinate Judge, Thanjavur, to number the suit within a period of two weeks from the date of receipt of a copy of this order, if it is otherwise in order and dispose of the same within a period of six months thereafter. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The Principal Subordinate Judge,
Thanjavur.

2.The Record Keeper,
V.R. Section, (2 COPIES)
Madurai Bench of Madras High Court,
Madurai. (**is directed to return the original plaint
to the learned counsel for the petitioner after
substituting the same by a Xerox copy and after
obtaining proper acknowledgment from the counsel on record.**)

+1CC TO MR.V.CHANDRASEKAR ADVOCATE IN SR.No.76777.

SMN 2
DS SKN SAR-2;07.09.2018; 2P/5C

C.R.P. (MD) No.1642 of 2018
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