

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2753 of 2018

Order:

Aggrieved by the dismissal of a counter claim, both as not maintainable on the ground of pecuniary jurisdiction and also on the ground of limitation, the defendant in the suit has come up with the above revision.

2. Heard Mr. Devalaraju Anil Kumar, learned counsel for the petitioner and Mr. P.Prabhakar Rao, learned counsel for the respondent.

3. There is no dispute about the fact that the value of the counter claim was in excess of the pecuniary jurisdiction of the Court where the suit was filed. Therefore, by virtue of the proviso to sub-rule (1) of Rule 6A of Order VIII CPC, the Court was not entitled to entertain the counter claim.

4. If the Court below had stopped with the application of the proviso to sub-rule (1) of Rule 6A of Order VIII, no exception could have been taken to the impugned order. But the Court also went to hold that the counter claim was barred by limitation. If a Court has no jurisdiction, it has no jurisdiction to adjudicate not only on merits but also on technicalities. Therefore, the civil revision petition is allowed, only that portion of the order of the Trial Court holding the counter claim to be barred by limitation is set aside. The rejection of the counter claim as beyond the pecuniary jurisdiction of the Court below is upheld. It is open to the

petitioner to work out his remedies independently in which it will be open to the respondent to raise the plea of limitation also. The interlocutory applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

22nd June, 2018.

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