

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

CRP (PD) NO.1459 OF 2020
AND CMP NO.8403 OF 2020

S.S.Thirumoorthy ... Petitioner

Vs.

S.Kumar ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.11.2019 made in I.A.No.450 of 2017 in O.S.No.650 of 2016 on the file of the learned Principal Sub Court, Coimbatore.

For Petitioner : Mr.N.Manokaran

ORDER

Aggrieved over the order of dismissal of the petition filed under Order VII Rule 11 (a) and (d) read with Section 151 CPC seeking rejection of plaint, the petitioner has preferred the above Civil Revision Petition.

2. After going through the order, it is seen that the petitioner has

raised many points, which includes the point of limitation. But the factum reveals that elaborate trial is required for arriving at a conclusion. Limitation is an issue of facts and law and that has to be tried.

3. The learned counsel for the petitioner also urged the mandatory requirement as per the judgment of the Hon'ble Supreme Court in ***JOINT COLLECTOR RANGA REDDY VS. D.NARSING RAO [2015 (3) SCC 695]***.

4. The petitioner can urge all these points before the trial Court during trial and establish his case. I do not find any legal infirmity in the order passed by the trial Court.

5. The Civil Revision Petition is disposed of with a direction that the petitioner can raise all the points before the trial Court and the trial Court is directed to dispose of the suit in O.S.No.650 of 2016, as expediently as possible. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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13.08.2020

ASI/TK

To

The Principal Sub Court
Coimbatore.

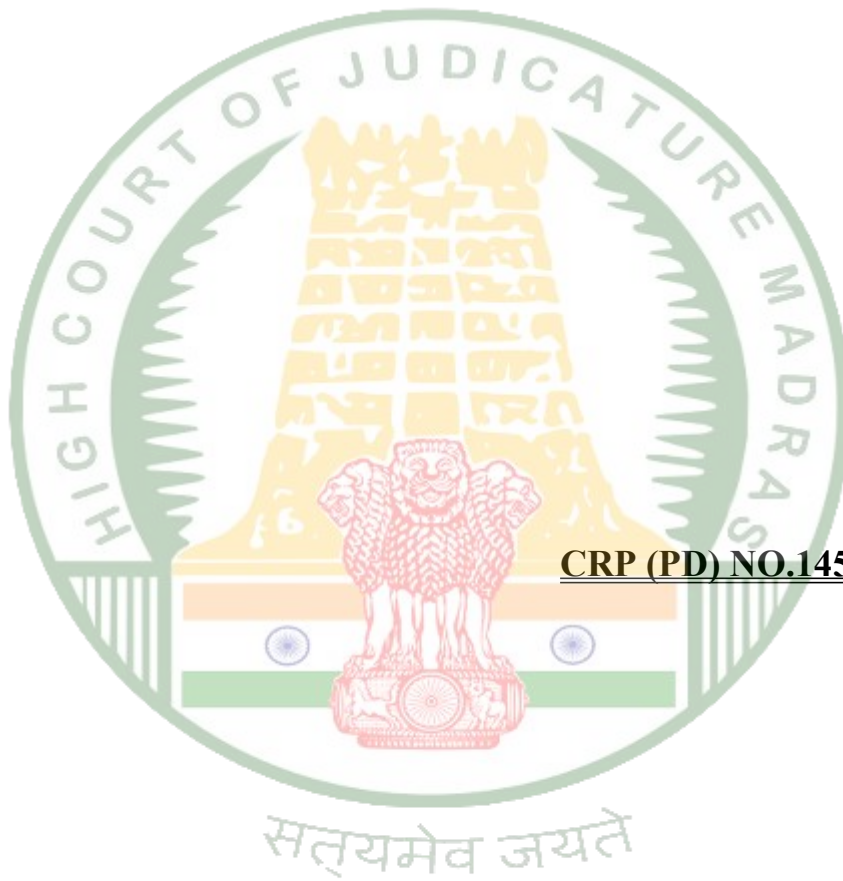


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M.GOVINDARAJ, J.

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