



CRP.No.70 of 2020

In the High Court of Judicature at Madras

Dated : 15.11.2021

Coram :

The Honourable Mr.Justice R.SUBRAMANIAN

Civil Revision Petition (PD) No.70 of 2020
and CMP.No.455 of 2020

1.A.S.Amsanathan
2.A.Mahesh Babu
3.A.Amsaveni

...Petitioners

Vs

M.Arun Kumar

...Respondent

PETITION under Article 227 of The Constitution of India to reject the plaint in O.S.No.239 of 2019 on the file of the Subordinate Court, Vaniyambadi.

For Petitioners : Mr.T.Karunakaran
For Respondent : Mr.P.Vasanth

ORDER

I have heard Mr.T.Karunakaran, learned counsel for the petitioners and Mr.P.Vasanth, learned counsel appearing for the respondent.

2. The above civil revision petition has been filed seeking to strike out the plaint in O.S.No.239 of 2019 on the file of the



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Subordinate Court, Vaniyambadi on the sole ground that the suit is barred by limitation.

3. The petitioners seek to invoke the supervisory jurisdiction of this Court under Article 227 of The Constitution of India.

4. No doubt, this Court has held that the question of limitation would also be a ground for rejection of a plaint if it is found that the suit is, on the face of it, barred by limitation. I do not, however, propose to entertain a revision petition under Article 227 of The Constitution of India in view of the judgment of the Hon'ble Supreme Court in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [reported in 2019 (9) SCC 538]*** wherein the Hon'ble Supreme Court has pointed out that the High Court should be slow to exercise its supervisory jurisdiction if an alternate remedy is available in the Civil Procedure Code.

5. The claim of the petitioners is that the suit is barred by law.

6. The defendants/petitioners can do well to seek rejection of the plaint under Order VII Rule 11(d) of the Code.



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7. Hence, the above civil revision petition is dismissed reserving liberty of the petitioners to move the Trial Court seeking rejection of the plaint as indicated above. If any such application is filed, the Trial Court is required to dispose of the same within a period of eight weeks from the date of filing of such application. No costs. Consequently, the connected CMP is also dismissed.

15.11.2021

To
The Subordinate Court, Vaniyambadi
RS/SP



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R.SUBRAMANIAN,J

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