



C.R.P(PD).No.2659 of 2021
and CMP.No.19603 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD).No.2659 of 2021

and

CMP.No.19603 of 2021

R.Madhusudhan Nair

..Petitioner

Vs.

1.M/s.Syndicate Bank,
Rep. By its Senior Branch Manager,
Mr.P.Praveen Kumar, Nandanam Branch,
No.331, TNHB Buildings, Anna Salai,
Nandanam, Chennai – 600 035.

2.Nirmala Raj

..Respondents

Praye: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 07.01.2021 in IA.No.1 of 2019 in OS.No.1262 of 2019 on the file of the XVI-Assistant City Civil Court, Chennai.

For Petitioner : Mr.S.R.Sudhanraj



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ORDER

Challenge in this revision is to the order of the Trial Court, dismissing IA.No.1 of 2019, an application filed under Order VII Rule 11 of CPC., seeking rejection of the plaint on the ground that the suit is barred by limitation.

2.It is a settled law that the Court shall not look into the evidence, it should proceed on the presumption that the plaint allegations are correct, while deciding an application under Order VII Rule 11 of CPC particularly, on the ground that a suit is barred by limitation. In the case on hand, the plaintiff has pleaded in the plaint that there was an acknowledgment of debt in the year 2017. Whether the acknowledgment is true or not cannot be decided at this stage.

3.As of now, as the plaint stands, the suit is in time. It is for the Court to decide whether the acknowledgment dated 26.03.2017 is true or not based upon evidence. Hence, the rejection of the plaint at this stage would be highly improper. I therefore, do not see any error on the part of



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the Trial Court in dismissing the application under Order VII Rule of 11 of CPC. This civil revision petition therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2021

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Index:No
Internet:Yes
Speaking

To:-

The XVI-Assistant City Civil Court,
Chennai.



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R.SUBRAMANIAN, J.

KKN

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