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C.R.P.(PD)No.1956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1956 of 2022

and

C.M.P.No.9912 of 2022

1.Global Finsol Private Limited,
Rep.by its Managing Director,
4-A, Sri Ayyappa Arcade Pampa Lay-out,
Kemapura, Hebbal,
Bangalore-560 024.

2.M.N.Jahannath

... Petitioners

..Vs..

Sri Ragava Exporter,
Rep.by its Proprietor,
C.Hemanathan,
32, Kulathur, Mukasi,
Anuvanpalli Village and Post
Modakuruchi Taluk,
Erode District 638 101

... Respondent

Prayer :- Civil Revision Petition filed under Article 227 of the
Constitution of India, by setting aside the judgment and decree dated

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04.03.2022 passed in I.A.No.242 of 2021 in O.S.No.42 of 2018 on the file of the Principal District Court, Erode.

For Petitioner : Mr.R.Saravanakumar

ORDER

This Civil Revision Petition has been preferred challenging the order dated 04.03.2022 made in I.A.No.242 of 2021 in O.S.No.42 of 2018 on the file of the Principal District Court, Erode.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The revision petitioners are the defendants against whom the respondent/plaintiff has filed a suit in O.S.No.42 of 2018 for recovery of money. During the pendency of the suit, the defendants filed I.A.No.242 of 2021, to reject the plaint as not maintainable. The said application was dismissed. Aggrieved over the same, this Civil Revision Petition has been preferred.



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4. The learned counsel for the petitioners submitted that in the suit averments it is stated that the last part payment was made in the year 2015 and the suit was filed in the year 2018 ; and hence, the suit itself is clearly barred by limitation. However, the learned trial Judge over looked the above facts and dismissed the petition by observing that the point of limitation is a mixed question of law.

5. On perusal of the pleadings in the plaint, it is seen that the respondent/plaintiff has specifically alleged that the last part payment was made on 06.01.2015. The respondent/plaintiff has managed to file the suit on the verge of expiry of limitation i.e on 05.01.2018. Hence, it is right for the learned trial Judge to render a finding that the plaint is not liable to be rejected at the threshold itself. As such, I feel it does not require any interference.

6. Therefore, this Civil Revision Petition is dismissed and the order dated 04.03.2022 made in I.A.No.242 of 2021 in O.S.No.42 of



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2018 passed by the learned Principal District Munsif, Erode is hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

27.06.2022

Index: Yes No
Speaking Order: Yes/No
ms

To

The Principal District Munsif,
Erode.



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R.N.MANJULA, J.

ms

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27.06.2022