



C.R.P.No.3226 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3226 of 2022

V.Ramalingam

.. Petitioner

Vs.

P.Srinivasan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the impugned order dated 21.07.2022 passed in I.A.No.3 of 2022 in O.S.No.19 of 2021 on the file of the Additional District Judge, (FTC), Arani, Tiruvannamalai District, by allowing the present C.R.P.

For Petitioners : M/s.K.Bijay Sunder

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Court below dismissing the petition to reject the plaint.

2. The respondent herein filed a suit for recovery of the advance amount based on the sale agreement dated 26.04.2017. The revision petitioner herein filed a petition to reject the plaint on the ground of limitation.



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3. According to the revision petitioner, as per the plaint averment the sale agreement was executed on 26.04.2017 and the time fixed for performance was three months and the said period expired on 25.07.2017. But the suit was filed only on 23.04.2021 beyond the period of three years and hence it is hopelessly barred by limitation. The revision petitioner also raised a plea that the suit agreement is not binding on the revision petitioner.

4. As far as the plea of the limitation is concerned, the agreement is dated 26.04.2017, the three months period fixed for performance expired on 25.07.2017. As per the order passed by the Hon'ble Apex Court granting exemption from limitation from 15.03.2020 to 28.02.2022., due to covid 19 pandemic, if the period from 15.03.2020 is excluded, certainly the suit is filed within the period of limitation of three years. Therefore, the contention of the revision petitioner that suit is barred by limitation cannot be countenanced.

5. As far as the second contention of the revision petitioner is concerned, it is a mixed question of fact, which has to be gone into only in the full fledged trial .



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Therefore, I do not find any illegality and irregularity in the order passed by the court

below. Hence, this Civil Revision Petition stands dismissed. No costs.

11.10.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

The Additional District Judge,
(FTC), Arani, Tiruvannamalai District.

S.SOUNTHAR, J.

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