



C.R.P.No.422 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.422 of 2017
and C.M.P.No.1909 of 2017

Kalaimohan .. Petitioner
Vs.

N.Ganesan .. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in un-numbered I.A in O.S.No.199 of 2010 on the file of the Principal Sub-Judge at Cuddalore dated 21.11.2016.

For Petitioner : Mr.V.B.Perumal Raj

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed as against the order made in un-numbered I.A in O.S.No.199 of 2010 dated 21.11.2016, on the file of the Principal Sub-Judge at Cuddalore, thereby rejected the application even without numbering the application, filed for rejection of the plaint.

2. The learned counsel for the petitioner would submit that the petitioner is the defendant in the suit filed by the respondent for recovery of money. After examination of P.W.1, the petitioner filed a petition for rejection of plaint on the



ground that the suit was initiated without payment of requisite fees. Therefore, it is clearly barred by the limitation. The complaint was returned by the Trial Court for want of necessary Court fees. Then only it was re-presented again with a petition under Section 149 of CPC with sufficient funds. Thereafter, it was rejected on the ground that the suit was filed in the year 2010. The petitioner filed the written statement on 20.07.2011. Thereafter, P.W.1 was examined. After a period of five years, the petitioner preferred an application for rejection of complaint that too on the ground that the suit itself is barred by limitation.

3. In view of the above, the Court below rightly rejected the petition and this Court finds no infirmity or illegality in the order passed by the Court below. However, the Trial Court is directed to dispose of the suit in O.S.No.199 of 2010, within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently



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connected miscellaneous petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.



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To

The Principal Sub-Judge, Cuddalore.

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