



CRP (MD) No.1956 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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and

CMP (MD) No.8977 of 2022

Saraswathiammal ... Petitioner

Vs

1.Syed Ameer Ali

2.Pathamavathiammal ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the Additional District Judge, Ramanathapuram in IA.No.48 of 2021 in OS.No.74 of 2019, dated 17.03.2022 by allowing this application for rejecting the plaint in OS.No.74 of 2019.

For Petitioner : Mr.S.A.S.Alaudeen

For Respondents : Mr.J.Bharathan

ORDER

This Civil Revision Petition is filed as against the order passed by the learned Additional District Judge, Ramanathapuram in IA.No.48 of 2021 in OS.No.74 of 2019, dated 17.03.2022.



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2.The petitioner is defendant No.1 in OS.No.74 of 2019 pending on the file of the Additional District Judge, Ramanathapuram. The petitioner has filed an interlocutory application in IA.No.48 of 2021 under Order VII Rule 11 CPC to reject the plaint on the ground of limitation. Aggrieved over the same, the present petition is filed.

3.The learned Counsel for the petitioner by referring Article 59 of the Limitation Act submits that the suit in OS.No.74 of 2019 is barred by limitation. However, the trial Court without considering the same, dismissed the application. The learned Counsel also relies on the judgment of the Hon'ble Supreme Court in Sukhbiri Devi and Others Vs Union of India and others, reported in 2022 SCC Online SC 1322.

4.The learned Counsel for the respondents submits that as against the preliminary decree, the respondents/plaintiffs have already filed a suit in OS.No.54 of 2016 and as an abundant caution, they also filed the above suit in OS.No.74 of 2019. The respondents have also filed Tr.OP.No.50 of 2019 before the Principal District Court,



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Ramanathapuram praying for joint trial and it was ordered by the learned Principal District Judge, Ramanathapuram dated 30.09.2021. Accordingly a joint trial was conducted and now the case is pending at the stage of arguments. He further submits that the plaintiffs' side has completed their arguments.

5.Considering the subsequent developments and the stage of the suit, this court is not inclined to entertain this civil revision petition. However, the petitioner and the respondents are at liberty to raise the ground of limitation before the trial Court during their arguments and trial Court shall consider the same on its merits and dispose of the suit within a period of three months from the receipt of a copy of this order. No cost. Consequently connected miscellaneous petition also stands dismissed.

06.12.2022

dsk

To

The Additional District Judge,
Ramanathapuram.

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B. PUGALENDHI, J.

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