



C.R.P.No.1549 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P. No.1549 of 2023

T.Arun

... Petitioner

Vs.

1.S.Sakunthala

2.S.Sridhar

3.The Sub Registrar,
Sriperumbudur SRO Office,
Kancheepuram District.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the conditional fair and decretal order dated 13.09.2022 passed in unnumbered O.S. of 2022 in S.R.No.2293 of 2022 on the file of the District Munsif Court, Sriperumbudur.

For Petitioner : Mr.T.N.Buveneswaran
for Mr.P.Venkateshan



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ORDER

This Civil Revision Petition is disposed of at the time of admission as the plaint that has been filed by the petitioner has been rejected by invoking the power under Order VII Rule 11 of CPC.

2. The issue at the moment is covered in favour of the petitioner in terms of the decision of this Court in **Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited and in others cases**, in C.R.P (MD) Nos.915, 943, 967, 991 & 330 of 2020, reported in 2021 SCC OnLine Mad 2514 : (2021) 4 CTC 539, dealing with somewhat similar situations as in the present case. The Court has held as follows:-

44. Therefore, it may be stated as a general rule that the Courts, at the pre-registration stage of the plaint, should confine the scope of its scrutiny to the barest minimum which a ministerial act may require. It does not call for any serious application of mind because the defendant is still not before the Court, and with no evidence before it there is nothing to adjudicate either.



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3. That apart, the limitation is always mixed question of law and fact. Even if the summons were served and defendants file application for rejecting the plaint on the ground of limitation, the superior Courts have always frowned upon the practice of rejecting the plaint without trial on the ground of limitation.

4. In view of the above, the impugned order is set aside and the case is remitted back to the District Munsif Court, Sriperumbudur to number the plaint and thereafter proceed with trial. The learned District Munsif shall pass a fresh order after numbering the suit, so that, the petitioner can work out his remedy in the manner known to law if the plaint is otherwise liable to be rejected.

5. This Civil Revision Petition stands allowed. No cost.

05.05.2023

Internet: Yes/No
Index: Yes/ No
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To
The District Munsif Court,
Sriperumbudur.



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C.SARAVANAN, J.

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