



CRP No.1294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

CRP No.1294 of 2023

Anish Ahamed

... Petitioner

-Vs-

Saravanan

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and final order dated 20.01.2023 made in unfiled O.S.No._____/2022 (CNR No: TNNG010026712022) passed by the Principal District Court, Nagapattinam.

For Petitioner : Mr.B.Jawahar

ORDER

Heard the learned counsel for the revision petitioner. Perused the records.

2. This Civil Revision Petition is filed questioning the orders passed by the Trial Court in unnumbered OS No._____/2022 (CNR No: TNNG010026712022) dated 20.01.2023 on the file of the Principal District



CRP No.1294 of 2023

Court, Nagapattinam.

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2. The petitioner has filed unnumbered OS.No.____/2022 (CNR No: TNNG010026712022) seeking for declaration that sale deed dated 17.11.2017 was executed as a security for the loan borrowed by the plaintiff from the defendant. The defendant has allegedly made an attempt to sell the suit property to third party and thereby, filed the suit seeking declaration and other reliefs. The suit was rejected without numbering on the ground that there was no limitation for the suit claim from the date of arising of cause of action.

3. It is submitted by the learned counsel for the petitioner that when the matter was taken up for hearing before the Trial Court in respect of the limitation to file the suit, the plaintiff could not place before the Trial Court the orders passed by the Apex Court in Suo Motu Writ Petition (C) No.3 of 2020, wherein on account of Covid-19 pandemic the period commenced from 15.03.2020 till 28.02.2022 was ordered to be excluded while computing the limitation and that on account of not considering this aspect, the plaint got rejected.



CRP No.1294 of 2023

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4. Considering the circumstances, the Trial Court is directed to consider numbering of the unnumbered suit in OS No.____/2022 (CNR No:TNNG010026712022) dated 20.01.2023 afresh on the point of limitation basing on the orders of the Apex Court. The petitioner is directed to resubmit the plaint before the Trial Court within two weeks from the date of receipt of a copy of this order. The Trial Court is directed to dispose of the same as expeditiously as possible within a period of three weeks thereafter.

5. With the above directions, this Civil Revision Petition is disposed of. There shall be no order as to costs.

24.04.2023

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To

1. The Principal District Court,
Nagapattinam.



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CRP No.1294 of 2023

Dr.D.NAGARJUN, J.

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CRP No.1294 of 2023

24.04.2023