



C.R.P.No. 2731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 2731 of 2023

and

C.M.P.No. 16847 of 2023

Rithika Shyam Chari
Represented by her Power Agent,
Sujatha S Chari

.. Petitioner

Vs

1.N. Rangarajan
2.Meenakumari

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.04.2023 passed in I.A.No.3 of 2019 in O.S.No.1064 of 2018 on the file of the XXII Additional City Civil Court, Chennai.

For Petitioner : Ms. Mithreyi Kasthurirangan

For Respondents : Mr. N. Rangarajan, party-in-person / first respondent



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ORDER

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This Civil Revision Petition is filed challenging the impugned order passed in I.A.No.3 of 2019 in O.S.No.1064 of 2018 on the file of XXII Additional City Civil Court, Chennai.

2. The first defendant in O.S.No.1064 of 2018 has preferred this revision.

3. Before the trial Court, the first defendant / petitioner herein filed an application to reject the plaint under Order VII Rule 11 of CPC. The main contention raised by the first defendant / petitioner herein is that there is no cause of action to file the suit and it is barred by limitation. That application was strongly objected by the plaintiff / first respondent. On hearing both sides, the trial Judge dismissed the same. The trial Court felt that after trial commenced, she file such an application as a back door way and the same cannot be entertained. As against which, the present revision is filed.



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4. On perusal of the records, it only shows that when the case is posted for the cross examination of P.W.1, the revision petitioner / first defendant has filed I.A.No.3 of 2019 to reject the plaint. Already she filed written statement on 04.10.2019 and raised all her defence in the written statement itself. Thereafter, during the examination of the witness, the same defence was raised to reject the plaint, as such it is not permissible under law. However, liberty is granted to the first defendant to raise all defence before the trial Court by cross examining P.W.1. The trial Judge has rightly dismissed the application to reject the plaint, which needs no interference by this Court.

5. In the result, the Civil Revision Petition is dismissed as no merits. Both the parties are directed to cooperate for the trial proceeding since the plaintiff / first respondent is senior citizen. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

Index :Yes/No
Neutral Citation :Yes/No
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T.V.THAMILSELVI, J.

AT

To

The XXII Additional City Civil Court, Chennai.

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C.M.P.No. 16847 of 2023

16.11.2023