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CRP.No.3395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CRP.No.3395 of 2022
and CMP.No.18046 of 2022

C.Balu

... Petitioner /Defendant

Vs.

RM.Meiyappan

... Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order in IA.SR.No.55410 of 2022 in O.S.No.2784 of 2019 dated 06.09.2022 passed by the Court of the learned XIV Assistant City Civil Judge (FAC), Chennai insofar as rejecting the above I.A. Filed to reject the plaint on the ground of limiation as not maintainable.

For Petitioner : Mr.V.Sathiah

For Respondent : Mr.R.Mahadevan

ORDER

This Civil Revision Petition has been filed against the order passed in IA.SR.No.55410 of 2022 in O.S.No.2784 of 2019 dated



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06.09.2022 passed by the Court of the learned XIV Assistant City Civil Judge (FAC), Chennai.

2. The revision petitioner is the defendant and the respondent instituted the Suit for recovery of money. During the pendency of the Suit, the petitioner has filed an interlocutory application, which is unnumbered seeking the relief of rejecting the plaint under Order 7 Rule 11 CPC. The said Interlocutory Application was considered as not maintainable since LP is pending before the Trial Court. The Trial Court made a finding that even if the petitioner/defendant feels that the Suit is barred by limitation and not maintainable, the petitioner/defendant after getting the leave of the Court can raise the same by producing cogent materials to substantiate that the above facts are necessary to decide the Suit instituted by the respondent. This being the finding, this Court do not find any infirmity in the order of the Trial Court. This Court do not find any acceptable ground for the purpose of considering this Civil Revision Petition. The Trial Court is directed to dispose of the Suit as expeditiously as possible.



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3. Accordingly, the Civil Revision Petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is also dismissed.

04.01.2023

Index :Yes/No

Speaking Order :Yes/No

Jvm

Copy to:

1. XIV Assistant City Civil Judge (FAC),
Chennai



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S.M.SUBRAMANIAM, J.

Jvm

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