



C.R.P(PD)(MD)No.1600 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(PD)(MD)No.1600 of 2024

and

CMP(MD)No.9445 of 2024

A.Jannathunnisha Begum

... Petitioner/2nd Defendant

VS.

1.R.Jansi Rani

2.R.Jone Irene Padmini

... Respondents 1 & 2/Plaintiffs

3.M.Abulkalam

... 3rd Respondent/1st Defendant

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.268 of 2020 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

For Petitioner

: Mr.G.Gomathisankar

ORDER

The Civil Revision Petition is filed to strike off the plaint in O.S.No.268 of 2020 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.



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2. On perusal of the material records of the case, it can be seen that the defendant herein has also filed the written statement. The prayer is made to strike off the plaint on the ground that the suit is hopelessly barred by limitation. Limitation is a question, if it is purely legal can be taken up by filing an application for rejection of plaint and if it is a mixed question of law and fact can be taken up in the written statement. The petitioner has already filed a written statement taken the specific plea. Therefore, when the suit is pending for the past four years, in the year 2024, this Court does not see any compelling urgency to exercise the power under 227 of the Constitution of India to strike off the plaint. With liberty to the petitioner to raise all the grounds before the trial court in such manner known to law, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

NCC : Yes / No
sji

To

The Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, Dindigul.



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D.BHARATHA CHAKRAVARTHY, J.

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