



WEB COPY

A NO. 5692 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A NO. 5692 of 2024

IN

CS NO. 166 OF 2024

Ajith Srichand Lulla,
S/o Late Srichand Lulla, No.14, Umayal Road, Kilpauk, Chennai -
600 010.

Applicant(s)

Vs

Rabi Mohan
S/o.Arulappan, Lily Block, F-2 RC Mehta Green Park,
Madhavaram Milk Colony, Chennai 600 051.

Respondent(s)

For Applicant(s):

M/s.D.Chandra Sekar
M.Prabhakaran
L.Magasivaraaj

For Respondent(s):

ORDER

Application is filed under Order VII Rule 11 (a) and (d) of C.P.C. alleging that the plaint has to be rejected on the ground of limitation and want of cause of action.

2.From the pleadings as found in the plaint, suit is laid for recovery of money based on money transactions. Paragraph 11 of the plaint discloses cause of action and how the suit is well within the limitation. However, the defendant states that the entire transaction stated in



the plaint is in respect of money borrowed by the plaintiff and repaid to the defendant.

Further, the suit filed for the alleged payment of money between 2013 – 2017 is hopelessly barred by limitation.

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3. This Court, on perusal of the plaint, finds that the pleadings disclose transactions even after 2017 and issuance of cheques on 10.06.2019 for discharge of debt and written promise execution in the month of November 2022. The genuineness of these documents are to be proved during the trial. The plaintiff having made out a *prima facie* case to sustain the suit for recovery of money and the suit appears to be filed within the period of limitation, the veracity of the averments to be tested in the trial and hence, the application filed under Order VII Rule 11 (a) and (d) of C.P.C. fails and accordingly dismissed.

23-01-2025
(1/2)

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