



C.R.P.(PD)(MD)No.1640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1640 of 2022

Periyasamy

... Petitioner

Vs.

1.Santha

2.Palanirajan

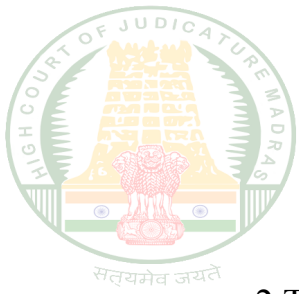
...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order of rejection of plaint made on 07.04.2022 in unregistered O.S.(SR) No.3361 of 2021 and to direct the Principal District Court, Thoothukudi, Thoothukudi District to number the plaint.

For Petitioners : Mr.S.Muthumalairaja

ORDER

This Civil Revision Petition is filed challenging the order of rejection of plaint made in unregistered O.S.(SR) No.3361 of 2021 on 07.04.2022 and to direct the Principal District Court, Thoothukudi, Thoothukudi District to number the plaint.



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2.The deceased husband of the respondent herein, namely I.Ramakrishnan has borrowed a sum of Rs.14.50 lakhs from the petitioner herein by issuing a cheque dated 10.03.2009 as security, promising to repay the said amount within a month. Since the husband of the respondent failed to repay the said amount within the time stipulated, the petitioner presented the cheque for collection. However, the said cheque was returned as 'stop payment'. Therefore, the petitioner initiated the proceedings under Section 138 of the Negotiable Instrument Act. In the meanwhile the husband of the petitioner died. After the death of the said I.Ramakrishnan, the petitioner filed the suit and the said suit was dismissed by the trial Court without even numbering on 07.04.2022. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the petitioner has given the money to the husband of the first respondent in the year 2009. Thereafter, he has given a criminal case as against the husband of the first respondent under the provisions of the Negotiable Instruments Act and the same was pending. Only after the death of the husband of the first respondent, the petitioner has filed a suit for recovery of money from the respondents herein. However, the trial Court has dismissed the suit only on the ground of limitation that the petitioner has not initiated the suit proceedings within the period



prescribed under the Limitation Act. The claim of the petitioner is that the petitioner has wrongly pursued his claim under Section 138 of the Negotiable Instrument Act. If the period spent in the proceedings under the provisions of the Negotiable Instrument Act is excluded, the suit filed by the petitioner will be well within the time. Hence, he prays for appropriate orders.

4. Though this petition is of pending before this Court from the year 2022, the petitioner has not taken any effective steps to serve notice on the respondents. However, considering the pendency of this Civil Revision Petition, this Court is inclined to dispose of this petition, based on the available records.

5. This Court has perused the order passed by the trial Court. Perusal of the same clearly shows that the trial Court has dismissed the suit filed by the petitioner only on the ground of limitation. Admittedly, the husband of the first respondent has given a cheque to the petitioner in the year 2009. Under Article 20 of the Limitation Act, the money suit should be filed within three years from the date of issuance of the cheque. In the present case, the petitioner filed the suit only in the year 2021 after a lapse of 12 years, which is clearly barred by limitation. Therefore, trial Court has rightly dismissed the suit filed by the petitioner and the said order need not be interfered.



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6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

15.07.2025

Index : Yes/No
Internet : Yes / No
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To

1. The Principal District Court, Thoothukudi,
Thoothukudi District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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