



C.R.P(MD)No.2422 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2422 of 2025
and
C.M.P(MD)No.14557 of 2025

Saravanan

... Petitioner/Defendant No.2

Vs.

1.Muthammal
2.Mahalingathevar
3.Vetriselvi
4.Ramasundari
5.Chitradevi

...Respondents No.1 to 5/
Plaintiffs No.1 to 5

6.Mary

...Respondents No.6/
Defendant No.1

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.241 of 2024 on the file of the Principal District Munsif Court, Sankarankovil, Tenkasi District and allow the above civil revision petition.

For Petitioner : Mr.B.Prahalad Ravi



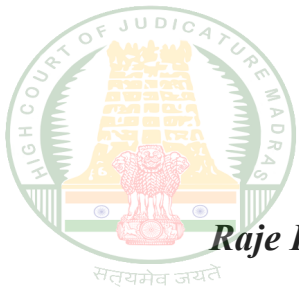
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ORDER

WEB COPY The instant civil revision petition has been filed to strike off the plaint in O.S.No.241 of 2024 on the file of the Principal District Munisf Court, Sankarankovil.

2. The learned counsel for the petitioner submits that the suit itself is not maintainable and is barred by the provisions under Article 58 of the Limitation Act, 1963.

3. In case that is so, the petitioner has been unnecessarily dragged into a proceeding, which is an abuse of process of court and therefore, prays this court to strike off the plaint. He would also place reliance upon the judgment of a learned Single Judge of this Court in CRP(PD) (MD)No.95 of 2025, where this court had struck off the plaint as having been barred by limitation. He would request this court to apply the aforesaid principle laid down by the learned Single Judge in which had relied upon the judgments of the Hon'ble Apex court reported in **2023 SCC Online SC 521 (Ramisetty Venkatanna and another Vs.Nasyam Jamal Saheb and others)** and **2024 SCC Online SC 3844 (Shri Mukund Bhavan Trust and others Vs.Shrimant Chhatrapati Udayan**



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Raje Pratapsinh Maharaj Bhonsle and others).

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4. I have considered the submission made by the learned counsel for the petitioner.

5. It is true that a suit could be barred by law of limitation, which is a mixed question of fact and law. Further, the petitioner has a right of filing an application under Order VII Rule 11, of CPC for rejection of the plaint for the same ground. The Trial Court can consider the same and frame an issue to that effect either as a preliminary issue or a regular issue to be tried in the suit.

6. Even though the judgment relied upon by the petitioner refers to decisions of the Hon'ble Apex Court, it is to be seen that the order of the Hon'ble Apex Court has dealt with the issue under Order VII Rule 11 of CPC. Article 227 of the Constitution of India being a discretionary remedy, this court is not inclined to exercise the said remedy in the present circumstances of the case.

7. In such view of the matter, the civil revision petition stands



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dismissed. However, liberty is granted to the petitioner to file an application under Order VII Rule 11 of the CPC, in the said suit. If such application is filed, the Trial Court shall consider and dispose of the same within a period of 12 weeks from date of filing of such application. It is also made clear that the petitioner shall file such an application within a period of three weeks from today. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District Munsif Court,
Sankarankovil, Tenkasi District .
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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