



WEB COPY



CRP No.689 of 20_.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP No.689 of 2024

Tmt.Selvarani

... Petitioner

Vs.

N.Madhavarajan

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 06.11.2023 passed in unnumbered O.S.No..../2023 (CR No.2464/2023) on the file of Principal District Judge, Dharmapuri.

For Petitioner : Mr.P.B.Ganesan

For Respondent : Mr.T.Dhanasekaran

ORDER

Heard Mr.P.B.Ganesan, the learned counsel for the petitioner and Mr.T.Dhanasekaran, learned counsel for the first respondent.

2. Learned counsel for the petitioner invited my attention to the order



passed by the trial court rejecting the plaint summarily on the ground that the suit is being barred under the provisions of Limitation Act.

3. Learned counsel for the petitioner relied on the decision of this Court in the case of *Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514*, where this Court has issued general directions to all subordinate courts in the matter of numbering suits and applications and what kind of objections can be taken at that stage. Despite the order of this Court being brought to the notice of the trial Court, the trial Court has unfortunately proceeded to distinguish the said judgment on the facts of the case before the High Court without noticing the general directions issued by this Court. In any event, the question of limitation is a mixed question of fact and cannot be summarily decided even at the stage of numbering of the suit. It is trite law that the Court while numbering the suit, at the institution stage has to go by the plaint averments alone.

4. In the light of the above, I am unable to sustain the order of the trial court rejecting the plaint on the ground that it is barred by limitation.



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5. Accordingly, the order passed in unnumbered O.S.No... of 2023 dated 06.11.2023 is set aside and the suit shall be numbered if it is otherwise in order without putting limitation against the plaintiff.

6. It is however needless to state that in the event of the respondent being advised that the suit is barred by limitation, it shall be open to the respondent/defendant to take out an application under Order VII Rule 11 of Civil Procedure Code, seeking rejection of the plaint.

7. This order shall not come in the way of the respondent.

8. With the above direction, the civil revision petition is allowed. No costs.

29.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
sr

To
The Principal District Judge, Dharmapuri

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P.B.BALAJI.,J

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