

IN THE COURT OF THE DISTRICT MUNSIF, SRIPERUMBUDUR

Present: Mrs. I.Vino., B.Sc.,L.L.M.,
District Munsif,
Sriperumbudur.

Dated this the 12th day of August, 2022

I.A No. 300/2018
in
O.S. No.146/2017

K. Munusamy

.....Petitioner/Defendant

/Vs/

M.Kala

..... Respondent/Plaintiff

This Petition has come up for final hearing on this day in the presence of Mr. Ayyanarappan , Learned Counsel for the Petitioner/ Defendant and the Respondent/ Plaintiff having been set and remained exparte and upon hearing the Petitioner/ Defendant side, upon perusing the documents on record and having stood over for consideration till this date, this Court delivers the following:

ORDER

The above Application is filed by the Petitioner/ Defendant against the Respondent/ Plaintiff under Order VII Rule 11 of CPC for rejection of Plaint on the ground of non-disclosure of cause of action and bar by the law of limitation.

In spite of ample opportunities, the Respondent/ Plaintiff failed to file Counter in the instant Application and subsequently, she was set exparte on 04.07.2019.

Heard the Petitioner/ Defendant side.

The Petitioner states that the Settlement Deed dated 14.09.2013 (Doc No. 9306/2013) executed by the Plaintiff in favour of the Defendant is admitted by the Plaintiff. Consequently, no injunctive relief can be sought against the Petitioner/ Defendant and that the Plaint does not disclose any cause of action. The right to sue to the Respondent/ Plaintiff arose in 2013 itself. Hence, the suit filed in 2017 is time-barred. The above averments are

not sustainable as the Respondent / Plaintiff stoutly pleads that the said Settlement Deed dated 14.09.2013 was caused to be executed by her due to the fraud played by the Petitioner/ Defendant.

Whether the Respondent's allegation is true or not can be decided only at the trial of the suit. Hence, the Petition in I.A No. 300/2018 in O.S No. 146/ 2017 is dismissed

Typed by me in my laptop, corrected and pronounced by me in the Open Court on this the 12th day August- 2022.

District Munsif,
Sriperumbudur.