

GAHC040003562025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : CRP/16/2025

Absolute Built Concept Private Limited
represented by its Managing Director, Shri Manikonda Srinivasa Kumar, Son of Late
M V Krishna Rao, resident of No. 1417, 3 3rd Block East, Jayanagar, Bangalore,
District Bangalore, Karnataka 530068

VERSUS

Mibom Pertin
Son of Late Gora Pertin, Sole proprietor of M/s Shantipur Filling Station, PO Roing,
PS Shantipur, Lower Dibang Valley District, Arunachal Pradesh 792110

Advocate for the Petitioner : Deepak Kumar Gupta, Hage Tai, Himanku Baruah

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 11.03.2025

Heard Mr. D. K. Gupta, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India, challenging the impugned order dated 15.01.2025 passed in Money Suit No. 02/2023 passed by the learned Civil Judge, Senior Division, Lower Dibang Valley District, whereby, rejecting the application No. 115 of 2023 dated 16.11.2023 filed by the present petitioner under Order VII Rule XI of the Code of Civil Procedure, 1908.

It is submitted by Mr. Gupta, learned counsel for the petitioner, that even from the plain reading of the FIR, it reveals that the cause of action arose on 29.09.2019, when the MoU was signed by the parties. However, it was only after the expiry of more than 5(five) years that the respondent approached the learned Court below by filing Money Suit No. 02/2023.

Accordingly, the petitioner filed an application before the learned trial Court below seeking rejection of the plaint on the ground of non-maintainability due to limitation, under Order VII Rule XI of the CPC. However, the said application was rejected by the Court vide order dated 15.01.2025.

Considering the submission made by the learned counsel for the petitioner, the present petition is admitted.

Issue notice to the respondent, returnable within 4 (four) weeks.

The learned counsel for the petitioner shall take steps for service of notice upon respondent by registered post with A/D as well as by usual process within a week from today.

Also call for the scanned copy of the TCR from the learned Court below.

However, the prayer for stay may be considered on the next date fixed.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant