

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).25542/2007

(From the judgement and order dated 19/11/2007 in CRP No.4249/2007  
of The HIGH COURT OF A.P. AT HYDERABAD)

VENKATANATHA CHARY Petitioner(s)

VERSUS

NALLA RAJI REDDY Respondent(s)

(With prayer for interim relief)

Date: 27/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. S.B. Sanyal,Sr.Adv.  
Mr. K. Maruthi Rao,Adv.  
Ms. K. Radha,Adv.  
Ms. Anjani Aiyagari,Adv.

For Respondent(s) Mr. S. Udaya Kumar Sagar,Adv.  
Ms. Bina Madhavan,Adv.  
for M/s. Lawyer's Knit & Co.,Advs.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard learned counsel for the parties.

The civil appeal is allowed.

[ T.I. Rajput ] [ Savita Sainani ]  
A.R.-cum-P.S. Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1322 OF 2009  
(Arising out of S.L.P. (C) No.25542 of 2007)

Venkatanatha Chary ...Appellant(s)

Versus

Nalla Raji Reddy ...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The plaintiff-respondent filed a suit for specific performance of agreement dated 25th January, 1992. In terms of the agreement, the parties were required to perform their respective obligations by 31 st March, 1992. By an order dated 3rd April, 2007, the trial Court, after taking note of the fact that the suit could have been filed within a period of three years from 31st March, 1992, when the cause of action is said to have accrued to the plaintiff but the suit was filed in the year 2006 held that the same is barred by limitation and accordingly rejected the plaint under Order VII Rule 11(d) of the Code of Civil Procedure. The High Court allowed the revision filed by the petitioner and set aside the order of the trial Court only on the ground that the same was passed without requiring the defendant to file written statement.

We have been taken through the plaint. A perusal thereof makes it clear that the cause of action for filing the suit for specific performance accrued to the plaintiff on

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31st March, 1992. The limitation for filing such suit is three years. Therefore, the plaintiff could have filed the suit by 31 st March, 1995. However, the fact of the matter is that the suit was filed in the year 2006 i.e. after 11 years of the expiry of the period of limitation. In this view of the matter, the trial Court was justified in rejecting the plaint on the ground of limitation and the High Court committed an error in reversing the order of the trial Court.

Accordingly, the appeal is allowed, impugned order of the High Court is set aside and the one passed by the trial Court is restored.

.....J.  
[B.N. AGRAWAL]

.....J.  
[G.S. SINGHVI]

New Delhi,  
February 27, 2009.