

(2013) 10 AP CK 0042

In the Andhra Pradesh High Court

Case No : Appeal Suit No. 759 of 2013 and ASMP No. 2146 of 2013 in A.S. No. 759 of 2013

Sri Mohan Singh and Others

APPELLANT

Vs

Sri R. Venkatramana and Others

RESPONDENT

Date of Decision : 04-10-2013

Acts Referred:

Citation : (2014) 2 ALD 1 : (2014) 1 ALT 425

Hon'ble Judges : R. Subhash Reddy, J;A.V. Sessa Sai, J

Bench : Division Bench

Advocate : G.K. Deshpandey, for the Appellant; E. Manohar for Sri. R.A. Achutanand for the Respondent No. 1, for the Respondent

Final Decision : Allowed

Judgement

R. Subhash Reddy, J.—This appeal suit is filed by the plaintiffs in O.S. No. 782 of 2013, aggrieved by order dated 20.06.2013, passed by the learned Special Judge for Trial of S.C. & S.T. (Prevention of Atrocities) Act-cum-Additional District and Sessions Judge, Ranga Reddy District, allowing the interlocutory application filed by the 1st respondent/defendant No. 31 in I.A. No. 103 of 2013 under Order 7 Rule 11(d) of CPC, by which, the plaint filed by the petitioners herein in O.S. No. 782 of 2012 is rejected on the ground that the suit claim is barred by limitation. The appellants herein have filed the suit against respondent No. 1 and others for declaration declaring that the entries made in the revenue records reflecting the names of defendants 3 to 39 as possessors, are illegal, null and void and for correction of entries by entering their names as possessors in the revenue records/pahanis, with a consequential relief of perpetual injunction. Declaratory relief is also sought u/s 8(2) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, read with Chapter VI of the Specific Relief Act, 1963.

2. As averred in the plaint, it is the case of plaintiffs that their father Late Sri Narayan Singh was possessor of lands in various survey numbers of Puppalaguda village of Rajendranagar Mandal in Ranga Reddy District as a tenant of original

pattadar Mr. Fakaryar Jung, who migrated to Pakistan in the year 1945. They claim title and possession to the land admeasuring Ac. 14.20 gts. in Sy. No. 310, Ac.12.32 gts. in Sy. No. 311, Ac.20.14 gts. in Sy. No. 312 and Ac.11.18 gts. in Sy. No. 318. It is also stated that a Rythu passbook was also issued in the name of their father Late Narayan Singh in respect of the aforesaid suit schedule properties, totally admeasuring Ac.59.04 gts. It is alleged that the name of the father of plaintiffs continually appeared in possessory column of Pahanis till the year 1994-95 and the name of one Smt. Jeshi Bai appeared in pattadar column. The plaintiffs are legal heirs of Late Sri Narayan Singh and after his demise, they came into possession of the lands and are enjoying the same, and at no point of time, the pattadar Smt. Jeshi Bai or any other person, claiming on her behalf, interfered with their possession and thus, they perfected their title through adverse possession. The extracts of revenue records and pahanis for the years from 1972-73 to 1999-2000 were filed along with the suit.

3. It is alleged in the plaint that in the month of February 2008, when they noticed certain illegal interference over the suit schedule property and overheard the rumors of some third parties claiming certain portions of the suit schedule property, they have applied for pahanis for all the survey numbers and came to know that the names of certain irrelevant persons i.e. defendants 3 to 39 were recorded in the possessory column of pahanis and it was also noticed that certain sale transactions took place in respect of suit schedule property, and thus, coming to know about the same, they approached the 2nd respondent herein for correction of entries in the pahanis, on 30.01.2009, upon which, the 2nd respondent has issued a Memo in Lr. No. B/1513/2008, stating that he was not competent to order for corrections, and that the appeal preferred against the said letter, is pending. It is further alleged that in the month of February 2010, some unknown persons tried to interfere with the possession of plaintiffs and the plaintiffs have successfully prevented such interference and immediately, they got issued public caution notice through their Advocate, which was published in Eenadu newspaper on 16.02.2010. It is their further allegation that on discreet enquiries made by them, they learnt that the 2nd respondent herein has entered the names of defendants 3 to 39 in the revenue records, which is totally illegal and not supported by any order passed by competent authority. They have also referred to the revision petition filed under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and a reference is made to the complaint dated 02.06.2012, given to the Station House Officer of P.S. Narsingi with regard to trespass by some unknown persons in the land covered by Sy. No. 312, admeasuring Ac.20.14 gts. It is alleged that defendants 3 to 39 are making hectic efforts to change the nature of land by cutting big stones in the suit schedule property, and with a specific allegation that on 27.08.2012, defendants 3 to 39, along with their men and agents, interfered with the possession of plaintiffs over the suit schedule property, the plaintiffs have filed the suit for declaration, declaring that the entries in the revenue records reflecting the names of defendants 3 to 39 as possessors, are illegal, null and void and for

correction of entries by entering their names as possessors. They have further sought the relief of perpetual injunction in their favour, restraining defendants 3 to 39, their servants, agents or anybody claiming through them, from interfering with the peaceful physical and actual possession of plaintiffs over the suit schedule property. The cause of action for filing the suit is set out in para 17 of the plaint, which reads as under:

17. That the plaintiffs submit that the above mentioned facts constitute cause of action. The cause of action arose in the month of February 2008, when the plaintiff noticed certain illegal interference over the suit schedule property, in the month of July 2008, when the plaintiffs availed certified copies of the certain registered sale deed in respect of the parts of lands in schedule property, on 30.01.2009, when the defendant No. 2 gave letter stating that the defendant No. 2 is not competent to correct the entries in the pahanis, on 16.02.2010 when the plaintiff gave public caution notice in Eenadu newspaper, on 27.01.2012 when the defendant No. 2 informed that the file in ROR/6067/1989 is not readily available, on 15.03.2012 on which date the defendant No. 1 wrote letter to defendant No. 2 calling for detailed statement, finally on 27.08.2012 when the defendants through their men and agents tried to interfere with the possession of the plaintiffs over the suit schedule property and tried to dispossess the plaintiffs from the suit schedule property. That the cause of action is still continuing as the threat of dispossession is still looming large.

4. It is brought to the notice of this Court by the learned counsel for appellants that after filing of the suit, on their application for grant of interim injunction, orders are also passed and the said orders are in force. At that stage, without responding by way of counter or written statement in the suit, defendant No. 31 has filed an application in I.A. No. 103 of 2013 under Order 7 Rule 11(d) of CPC, to reject the plaint on the ground that suit is barred by limitation. It is stated in the affidavit filed in support of the said application that he is defendant No. 31 in the suit in O.S. No. 782 of 2012 and as per the averments contained in the plaint read with the documents filed along with the plaint, the cause of action to file the suit first accrued to the plaintiffs in February 2008, and at any rate, by July 2008, and thus, the period of limitation for instituting the above suit expired in 2011 as per the provisions of the Indian Limitation Act, 1963, whereas the plaint was filed on 29.08.2012, and thus, the claim is barred by limitation and plaint is liable to be rejected under Order 7 Rule 11(d) of CPC, as such, there is no need to go for trial since the suit is liable to be rejected on the basis of admitted averments contained in the plaint.

5. The plaintiffs have filed detailed counter affidavit in the aforesaid interlocutory application. In the counter, while denying the various allegations made by defendant No. 31, it is pleaded that the suit filed by them is well within the period of limitation in view of various incidents and causes of action, the last being on 27.08.2012, when the defendants, through their men and agents, tried to interfere with the possession of plaintiffs over the suit schedule property. In

the counter, it is further pleaded that as the cause of action is a bundle of facts, the suit is well within the period of limitation and also pleaded that the question of limitation is always a mixed question of facts and law, and thus, the same is no ground to reject the plaint at preliminary stage. It is categorically averred in the counter that instead of filing reply to the injunction petition, the petitioner/defendant No. 31 is adopting dubious methods of raising untenable technical pleas, which itself show that he has no case on merits.

6. The trial Court, while considering the said interlocutory application in I.A. No. 103 of 2013, which is filed under Order 7 Rule 11(d) of CPC and with reference to the allegations made by defendant No. 31 in support of his application and also by considering the counter affidavit filed by the plaintiffs, has recorded a finding that para 8 of the plaint goes to show that in the month of February 2008, plaintiffs have noticed certain illegal interference over the suit schedule property and overheard the rumors of some third parties claiming certain parts of suit schedule property, and thus, they had notice of illegal interference in the month of February 2008 itself, but as the suit is filed on 29.08.2012, it is barred by limitation. A further finding is recorded that for the relief of perpetual injunction, the plaintiffs have not paid separate Court fee. Referring to the provision under Article 58 of the Limitation Act of 1963, which is equivalent to Article 120 of the Limitation Act of 1908, and emphasizing on the word "first" in column No. 3 of Article 58, has held that the suit is barred by limitation.

7. From a reading of the impugned order, it is clear that the said application came to be allowed primarily on the ground that the plaintiffs have noticed the alleged interference by third parties and change of entries in the month of February 2008, and hence, the cause of action starts from the said date.

8. Heard Sri G.K. Deshpande, learned counsel appearing for appellants and Sri E. Manohar, learned senior counsel, appearing on behalf of Sri R.A. Achuthanand, for respondent No. 1.

9. It is contended by Sri G.K. Deshpande, learned counsel appearing for appellants that though the suit is filed for a comprehensive relief of declaration and injunction, instead of contesting the same by filing written statement and counter in the injunction petition filed by the plaintiffs, defendant No. 31 alone has filed the application in I.A. No. 103 of 2013, seeking to reject the plaint. It is submitted that inspite of valid objections put-forth by the appellant/plaintiffs in the counter affidavit supported by several authorities of Hon"ble Supreme Court, without considering the same and without recording valid reasons, the lower Court has allowed the application. It is submitted that a bundle of facts constitute cause of action and the cause of action arose on several occasions as comprehensively mentioned in para 17 of the plaint, and inspite of the same, the incident happened in the month of February 2008 alone is taken into account for the purpose of deciding the limitation. It is submitted by the learned counsel that having regard to various disputes on factual aspects with reference to cause of action, the lower Court ought to have dismissed the application, as much as such

issues can be resolved only after a Hill-pledged trial, but not in an application filed under Order 7 Rule 11(d) of CPC. It is contended by the learned counsel that existence of a wrong entry in the revenue records does not give rise to a cause of action within the meaning of Article 58 of the Indian Limitation Act, 1963. It is also submitted that every threat by the defendants to the right of plaintiffs, cannot be considered to be a clear and unequivocal threat infringing the rights of plaintiffs so as to compel them to file a suit, as such, the Court below ought not to have relied solely on the cause of action occurred in February 2008, so as to allow the application filed by defendant No. 31. The learned counsel, in support of his arguments, relied on the judgments of Hon''ble Supreme Court in the case of Mst. Rukhmabai Vs. Lala Laxminarayan and Others, , in Daya Singh and Another Vs. Gurdev Singh (Dead) by L.Rs. and Others, and in C. Natrajan Vs. Ashim Bai and Another, . Reference is also made to the judgments of Punjab and Haryana High Court in the case of Gurcharan Ram Vs. Tejwant Singh (Dead) through Lrs. and Another, and in Ibrahim Vs. Sharifan, Reliance is also placed on the judgment of Karnataka High Court in the case of State of Karnataka Vs. Mohammed Kunhi, and also on the judgments of learned Single Judges of this Court in Ragam Yellaiah and Others Vs. Chintha Shankaraiah, , in K. Pratap Reddy and Others Vs. The Joint Collector and Others, and in the case of Seela Venkata Subbaiah Vs. Jinka Muni Swamy and Another, Referring to the above said authorities, the learned counsel submits that the right to sue arises only when the rights of parties are infringed substantially and every threat cannot be taken as a first cause of right to sue for the purpose of deciding the limitation. It is contended that when substantial rights of parties are involved, plaintiffs ought not to have been non-suited on the application filed under Order 7 Rule 11(d) of CPC without recording valid reasons.

10. Per contra, it is contended by Sri E. Manohar, learned senior counsel appearing for the 1st respondent/defendant No. 31 that the suit filed by the appellant/plaintiffs is not maintainable for more than one reason. It is stated that in view of the provision u/s 8(1) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, the very suit is not maintainable. It is further submitted that though the suit is filed against the District Collector, Ranga Reddy and Tahsildar, same is filed without issuing notices to them u/s 80 of CPC. It is contended that from a reading of the plaint, it is clear that the first cause of action arose in the month of February 2008 when the plaintiffs have noticed illegal interference over the suit schedule property and overheard the rumors of third parties claiming purchase of certain portions of suit schedule property, and as much as the suit was filed on 29.08.2012, same is barred by limitation. It is submitted by the learned senior counsel that under Article 58 of the Limitation Act of 1963, limitation starts when the right to sue first accrues, as such, the trial Court has rightly computed the limitation from the month of February 2008 for the purpose of deciding the issue of limitation and allowed the application filed by defendant No. 31. The learned counsel, in support of his submissions, relied on the judgments of Hon''ble Supreme Court in the case of Gangappa Gurupadappa

Gugwad Gulbarga Vs. Rachawwa Gugwad and Others, in Board of Trustees of Port of Kandla Vs. Hargovind Jasraj and Another, in Khatri Hotels Private Limited and Another Vs. Union of India (UOI) and Another, and in Hardesh Ores Pvt. Ltd. Vs. Hede and Company, .

11. Having heard learned counsel for the parties, we have carefully perused the material on record, the decretal order under challenge, copy of plaint and the supporting documents filed by the petitioners and the judgments relied on by the learned counsel for the parties.

12. The only aspect which falls for consideration in this appeal is having regard to the cause of action stated in the plaint in O.S. No. 782 of 2013, and having regard to the relief sought, whether such claim is barred by limitation in view of the provision under Article 58 of the Limitation Act, 1963. It is well settled that there is no one word meaning for cause of action, but the cause of action means, a bundle of facts which give rise to institute a suit by plaintiffs. Order 7 Rule 1 of CPC prescribes the particulars to be contained in the plaint while filing the suit, and as per Rule 1(e) of Order 7, the plaintiff shall give the facts constituting the cause of action and as to when it arose. From a reading of plaint in the instant case, it is clear that the appellant/plaintiffs have stated in the plaint that the cause of action arose in the month of February 2008 when they noticed certain illegal interference over the suit schedule property, in the month of July 2008 when they availed certified copies of registered sale deeds in respect of parts of suit schedule property, on 30th January 2009, when the 2nd defendant gave a letter stating that he was not competent to correct the entries in the pahanis, on 16.02.2010, when plaintiffs gave public caution notice in Eenadu newspaper, on 27.01.2012, when the 2nd defendant informed that the file in ROR/6067/1989 was not readily available, and on 15.03.2012, on which date, the 1st defendant wrote a letter to the 2nd defendant calling for detailed statement, and finally on 27.08.2012, when the defendants, through their men and agents, tried to interfere with the possession of plaintiffs over the suit schedule property and tried to dispossess them. It is further stated that the cause of action is still continuing as the threat of dispossession is still looming large.

13. From the aforesaid averments in the plaint, it is clear that though several facts which gave rise to cause of action for instituting the suit are mentioned in the plaint, the learned Judge, without mentioning all the facts constituting the cause of action, has taken note of the averment made in the plaint to the effect that the plaintiffs noticed certain illegal interference over suit schedule property in February 2008, and thus, by computing the period of limitation from the said date till the date of filing of suit i.e. 29.08.2012, held that the suit is barred by limitation. It is no doubt true that as the suit is for declaration, the limitation aspect is governed by Article 58 of the Indian Limitation Act, 1963 i.e. three years from the period when the right to sue first accrues. From a reading of the plaint in entirety, it is clear that the plaintiffs have averred that in the month of February 2008, when they noticed certain illegal interference and overheard the

rumors of some third parties claiming to have purchased certain portions of suit schedule property, they applied for Pahanis, upon which, they came to know that names of certain irrelevant persons i.e. defendants 3 to 39 are appearing in possessory column of pahanis and then they verified the revenue records and found that certain transactions took place under registered documents in respect of parts of suit schedule property.

14. The core question which is required to be considered is whether the illegal interference in the month of February 2008 which resulted in application by plaintiffs for Pahanis for all the survey numbers, can be taken as a first cause of action for the purpose of filing the suit. It is needless to mention that every threat or interference by a party cannot be considered to be a clear and unequivocal threat, so as to compel him to file a suit. What is required to be considered is whether a particular threat or interference effectively invades or jeopardize the said right of plaintiff, so as to institute a suit. When subsequent causes of action are mentioned with regard to the attempts made by defendants and their agents to dispossess the plaintiffs and also other causes of action as mentioned in para 17 of the plaint, we are of the view that there is no reason to take note of the allegation of interference that occurred in February 2008, so as to non-suit the plaintiff/appellants on that ground alone, at preliminary stage by entertaining the application under Order 7 Rule 11(d) of CPC. It is true that Order 7 Rule 11(d) of CPC empowers the Court to reject the plaint, if it appears to have been barred by any law from the statements made in the plaint, but, we are of the view that such a power is to be exercised with great caution. When a serious dispute is raised by plaintiffs in their counter with regard to cause of action and limitation, such a dispute is to be resolved only after framing an issue and conducting trial on the said aspect, but not by rejecting the plaint under Order 7 Rule 11(d) of CPC. We are of the view that having regard to the averments made in the plaint, unless a clear finding is recorded as to when the right asserted is infringed or atleast a clear and unequivocal threat was made to infringe the right, the Court below fell in serious error by allowing the application, by recording a finding that the suit is barred by limitation. The phrase "right to sue first accrues" is to be considered having regard to the right asserted in the suit and as to when such right is infringed, necessitating filing of suit. Unless such a finding is there, by taking a stray sentence in the plaint, no finding can be recorded to the effect that the suit is barred by limitation. What is the proper cause of action must depend on the entirety of facts mentioned in the plaint and a single sentence in the plaint cannot be read in isolation by over-emphasizing the same and to throw away the suit at its inception, on the ground that it is barred by limitation.

15. The judgments relied on by the learned counsel for appellants also support their case. In the case of Mst. Rukhmabai Vs. Lala Laxminarayan and Others, the Hon"ble Supreme Court, while considering the aspect as to what is the extent of injury or infringement that give rise to a compulsory cause of action for instituting the suit, held that right to sue under Article 120 of the Limitation Act,

1908 accrues when the defendant has clearly and unequivocally threatens to infringe the rights asserted by the plaintiff in the suit and every threat by a party to such right, however ineffective and innocuous it may be, cannot be considered to be a clear and unequivocal threat so as to compel him to file a suit. In the case of C. Mohammed Yunus Vs. Syed Unissa and Others, the Hon"ble Supreme Court has held that the cause of action for the purpose of Article 58 of Limitation Act, 1963 accrues only when the right asserted in the suit is infringed or atleast when there is a clear and unequivocal threat to infringe that right. It is also held that the mere existence of adverse entry in the revenue records cannot be considered to be cause of action for filing the suit.

16. In Gurcharan Ram's case 2008 2 PLR 714 (supra), it is held by the Punjab and Haryana High Court that the starting point for limitation is not the date of sanction of the mutation, but it is the date when the title and possession of the plaintiff was actually threatened by the defendant. It is further held that every threat by a party to such a right cannot be considered to be a clear and unequivocal threat so as to compel him to file a suit. In the said judgment, it is also held that merely because adverse entry is made in the revenue records against a person who is in actual possession of property, if he continues to retain possession of such property despite such entry, he is under no obligation to bring a suit. In State of Karnataka Vs. Mohammed Kunhi,), a Division Bench of Karnataka High Court, referring to the judgment in the case of AIR 1930 270 (Privy Council) , has held that there can be no right to sue until there is an accrual of the right asserted in the suit and its infringement or at least a clear and unequivocal threat to infringe that right by the defendant against whom the suit is instituted. In the same judgment, it is further held that cause of action is nothing but a bundle of facts which are necessary for the purpose of establishing the relief sought in the plaint. Any statement made in the plaint does not amount to conceding the fact that the limitation for the suit commenced on that particular date as mentioned.

17. In the case of C. Natrajan Vs. Ashim Bai and Another, , the Hon"ble Supreme Court has held that limitation would not commence unless there has been a clear and unequivocal threat to the right claimed by plaintiff and held that in such a situation, application under Order 7 Rule 11(d) is not maintainable. Further, in the case of K. Pratap Reddy and Others Vs. The Joint Collector and Others, while considering the extent and scope of jurisdiction of revenue authorities in exercise of powers under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, has held that complex and serious disputes of title falling beyond the scope of revision are not within the purview of revenue authorities under the provisions of the said Act, and that it is for the parties to initiate appropriate proceedings before a civil Court of competent jurisdiction for resolution of their disputes.

18. From the aforesaid judgments relied on by the learned counsel for appellants, it is clear that every threat or interference by a party to the right of

plaintiff cannot be considered as a clear and unequivocal threat, so as to compel him to file a suit and to record a finding that right to sue first accrued on such date. Though there is a serious dispute on the aforesaid aspect which could have been resolved after subjecting the parties to trial, the learned trial Judge has committed serious error in allowing the application filed under Order 7 Rule 11(d) of CPC, by rejecting the plaint instead of allowing the parties to proceed for trial for adjudication of rights over valuable property in a total extent of Ac.59.04 gts., situated at Puppallaguda village of Rajendranagar Mandal in Ranga Reddy District.

19. Though the learned senior counsel appearing for the 1st respondent/defendant No. 31 has contended that the suit itself is barred u/s 8(1) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, it is to be noticed that u/s 8(2) of the said Act, an aggrieved party with regard to any right by virtue of an entry made in record of rights, is entitled to institute a suit for declaration of his right under Chapter VI of the Specific Relief Act, 1963 and the entry in the record of rights shall be amended in accordance with any such declaration. Reference is made to Rule 32 of the A.P. Rights in Land and Pattadar Pass Books Rules, 1989, which reads as under:

Every person proceeding under Sec. 8(2) of the Act shall intimate to the Mandal Revenue Officer concerned the particulars of the suit. The Mandal Revenue Officer shall enter the details of the suit in a register in Form XVIII. On the disposal of the suit, the Party shall communicate a copy of the order on the suit to the Mandal Revenue Officer who shall enter the details in the register in Form XVIII. The register in Form XVIII shall be open for inspection, and the certified extracts of the same shall be granted.

From the aforesaid provision, it is clear that a declaratory suit is maintainable by an aggrieved person who is in possession of property, if an adverse entry is made against his interest in the record of rights, but the same is also no ground on which the application is ordered by the trial Court in the present case. Though it is contended by the learned senior counsel appearing for 1st respondent that though the District Collector, Ranga Reddy District and the Tahsildar are shown as defendants, the suit is filed without issuing notices to them u/s 80 of CPC, from a reading of plaint, it is clear that no relief is sought against them, but as they are the authorities under the provisions of the Act, they are made party-respondents along with the contesting respondents. In any event, same is also not the ground on which the application filed by the 1st respondent/defendant No. 31 is allowed. On the said ground, the impugned order cannot be sustained by this Court, at this stage. The further submission of the learned senior counsel that as it is mentioned in the plaint itself that there was an interference in the month of February 2008, as such, the right to sue shall be treated to have been accrued on the aforesaid date, also cannot be accepted, as we have already held that every threat cannot be considered as a threat or interference, so as to compel the plaintiffs to file a suit. Such allegation alone cannot be looked in isolation for deciding the issue of limitation.

20. Coming to the judgments relied on by the learned senior counsel appearing for the 1st respondent/defendant No. 31, in the case of Gangappa Gurupadappa Gugwad Gulbarga Vs. Rachawwa Gugwad and Others, it is held by the Hon"ble Supreme Court that if the Court finds that the plaint, on the face of it, is barred by any law, it should not embark upon trial of all the issues involved and plaint can be rejected. In the case of Board of Trustees of Port of Kandla Vs. Hargovind Jasraj and Another, , the Hon"ble Supreme Court has held that a suit for declaration not covered by Article 58 of the Schedule to the Limitation Act, 1963 must be filed within three years from the date when the right to sue first accrues. In the case of Khatri Hotels Private Limited and Another Vs. Union of India (UOI) and Another, the Hon"ble Supreme Court, while interpreting Article 58 of the Limitation Act, 1963, has held that the Legislature has designedly made a departure from the language of Article 120 of the 1908 Act by introducing the word "first" between the words "sue" and "accrued". It is held that if a suit is based on multiple causes of action, the period of limitation will begin to run from the date when the right to sue first accrues. In the further judgment relied on by the learned senior counsel in the case of Hardesh Ores Pvt. Ltd. Vs. Hede and Company, the Hon"ble Supreme Court has held that plaint can be rejected in exercise of power under Order 7 Rule 11(d) of CPC on the ground of limitation, where it appears from the statement in the plaint that the suit is barred by any law. In the same judgment, it is further held that for the said purpose, the averments made in the plaint in their entirety must be held to be correct and that it is not permissible to cull out a sentence or a passage and read it out of the context in isolation.

21. As much as the core issue to be addressed in this case is as to which is the cause of action that accrued first for instituting the suit, the above said judgments relied on by the learned senior counsel will not render any assistance in support of his submissions, having regard to the facts of the case on hand. As already discussed above, we are of the view that the cause of action for filing the suit cannot be decided by merely reading a single statement in the plaint in isolation, when the plaintiff has mentioned many such occasions. Therefore, the order under challenge is liable to be set aside. Accordingly, the appeal is allowed and the order, dated 20.06.2013, passed by the learned Special Judge for Trial of S.C. & S.T. (Prevention of Atrocities) Act-cum-Additional District and Sessions Judge, Ranga Reddy District, in I.A. No. 103 of 2013 in O.S. No. 782 of 2012, is set aside. The suit in O.S. No. 782 of 2012 shall be restored to file and be disposed of on merits. No order as to costs.

As a sequel, miscellaneous applications pending, if any, in this appeal, shall stand closed.