



C.R.P.No.4140 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**C.R.P.No.4140 of 2026 and
C.M.P.No.18112 of 2026**

K.Sevugaperumal

..Petitioner

Vs.

Nisha Catherine

..Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27.03.2026 passed by the learned Principal District Judge, Kancheepuram in I.A.No.5 of 2024 in O.S.No.155 of 2021.

For Petitioner : Mr.S.Venkatesan

For Respondent : Mr.M.Himavanth
for Mr.S.Marshall

ORDER

This civil revision petition has been filed challenging the impugned order dated 27.03.2026 passed by the Principal District Court, Kancheepuram in I.A.No.5 of 2024 in O.S.No.155 of 2021.



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2. In the aforesaid order, the application filed by the petitioner, who is the defendant in the suit seeking for rejection of the plaint under Order VII Rule 11 CPC, has been dismissed.

3. The contention of the petitioner / defendant is that he has already refunded the advance amount to the respondent / plaintiff and had already terminated the sale agreement and therefore, there is no cause of action for the respondent / plaintiff to sue the petitioner / defendant in respect of the agreement of sale which has been cancelled.

4. As seen from the impugned order, the respondent / plaintiff had not accepted the cancellation of agreement of sale. In fact, it is brought to the notice of this Court that the amount sought to be refunded by the petitioner / defendant is now lying in the account of the Court deposit.

5. The trial Court, while dismissing the application has also observed that merely because there is an admission regarding the receipt of an advance amount of Rs.1,00,000/-, the same cannot lead to any inference



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that the contract has been given a go-by as claimed by the petitioner / defendant. When the respondent / plaintiff did not make any request to the petitioner / defendant for refunding the advance amount and when the advance amount has not been received by the respondent / plaintiff, even though the petitioner / defendant had earlier directly remitted the advance amount in the respondent / plaintiff's bank account which has now been deposited to the credit of the suit, the question of entertaining an application under Order VII Rule 11 CPC seeking for rejection of plaint in respect of the suit for specific performance will not arise as the issues raised by the petitioner / defendant can be decided only after trial.

6. Further, the application under Order VII Rule 11 CPC has to be adjudicated only based on the plaint averments and the documents filed along with the plaint. When the respondent / plaintiff has pleaded in the plaint that she has always been ready and willing to perform her part of the contract and she has also fulfilled the same, the trial Court has rightly dismissed the application filed by the petitioner / defendant through the impugned order. For the foregoing reasons, this Court does not find any



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infirmity in the impugned order. The only limited relief that can be granted by this Court in this civil revision petition is to direct the trial Court to dispose of the suit within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court does not find any merit in this civil revision petition and this Civil Revision Petition is dismissed. However, this Court directs the trial Court, namely, the Principal District Court, Kancheepuram to dispose of O.S.No.155 of 2021, within a period of eight months from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

23.07.2026

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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To

The learned Principal District Judge,
Kancheepuram.



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ABDUL QUDDHOSE, J.

vji

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