



C.R.P.No.4828 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.4828 of 2024

S.Balakrishnan

..Petitioner

Vs.

1. The Manager,
Indian bank,
AUDUC Branch,
No.1117, Mettupalayam Road,
Avinashilingam Deemed University Campus,
Coimabtoe – 641 043.

2. M/s.Marcopolo Industries,
Represented by its Partner D.Viju,
No.6/3, Theppakulathuparai,
Thirumalayampalayam,
Kumittipathi Post,
Coimbatore – 641 032.

3. V.P.Ramesh

4. D.Viju

..Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal District Munsif-cum-Judicial Magistrate, Madhukarai, Coimbatore to number the unnumbered original suit filing No.89 of 2024 having CNR No.TNCB1C0013112024.



C.R.P.No.4828 of 2024

WEB COPY

For Petitioner : Ms.S.Pooja Shree
For Respondents : Mr.Srivijai for R1
for M/s.Aiyar & Dolia

ORDER

This civil revision petition has been filed by the plaintiff in the suit challenging the impugned docket order dated 01.08.2024 returning the plaint filed by the petitioner / plaintiff on the ground that the suit is not maintainable on account of improper valuation.

2. The petitioner who is the plaintiff in the suit seeks for a declaration to declare that the mortgage deed bearing Document No.8730/23 dated 28.11.2023 as null and void and not binding upon the plaintiff.

3. As seen from the impugned docket order, the petitioner's counsel has not been granted an opportunity to make his submissions in the open Court to convince the Court that the suit is maintainable. The impugned docket order is not a non-speaking order with regard to the



C.R.P.No.4828 of 2024

WEB COPY

contention of the petitioner as raised in this civil revision petition. Being the non-speaking order, an order passed without granting liberty to the petitioner's counsel to make his submission and convince the Court with regard to the maintainability of the suit, this Court is of the considered view that, in the interest of justice, the impugned order has to be quashed and the matter is remanded back to the very same Court for fresh consideration on merits and in accordance with law after giving an opportunity for the petitioner / plaintiff's counsel to make his submission as to how the suit is maintainable and if the trial Court finds that the suit is not maintainable, the trial Court will have to pass a speaking order.

4. For the foregoing reasons, the impugned docket order dated 01.08.2024 passed by the Principal District Munsif, Madhukarai in O.S.SR.No.89 of 2024 is hereby quashed and the matter is remanded back to the Principal District Munsif Court, Madhukarai for fresh consideration on merits and in accordance with law. The Principal District Munsif Court, Madhukarai is directed to list the suit in O.S.SR.No.89 of 2024 for maintainability on 19.08.2026 and on that day, the petitioner's counsel shall



C.R.P.No.4828 of 2024

WEB COPY

try convincing the said Court that the suit is maintainable. If the trial Court finds the suit to be maintainable, the trial Court shall number the suit, if it is otherwise in order and issue summons to the defendants and if it is not, the trial Court shall pass a speaking order after giving due consideration with regard to the maintainability of the suit. Registry of this Court is direct to return the original plaint filed in O.S.SR.No.89 of 2024 to the learned counsel for the petitioner to enable the petitioner to represent him before the trial Court.

5. Accordingly, this Civil Revision Petition is disposed of. No costs.

15.07.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



C.R.P.No.4828 of 2024

WEB COPY
To

The Principal District Munsif-cum-
Judicial Magistrate,
Madhukarai,
Coimbatore.



WEB COPY



C.R.P.No.4828 of 2024

ABDUL QUDDHOSE, J.

vji

C.R.P.No.4828 of 2024

15.07.2026