



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP Nos.685 & 688 of 2026

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Ragunathan Rajendran
Represented by its Partners,
M/s.Partner Super Market,
No.82, NA, Arcot Road,
Virugambakkam,
Chennai – 600 092.

..Petitioner in both
CRPs

Vs

1.M/s.Kirorimal Kashiram Marketing
and Agencies Private Limited,
Represented by its Authorised Administrator,
G.Chockavelu,
New No.60, Old No.34,
Anderson Street, George Town,
Chennai – 600 001.

2.M/s.Pandian Super Market,
Represented by its Partners,
Santhi, Ragunathan Rajendran.

3.Santhi

..Respondents in both
CRPs

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 21.06.2025 in I.A.Nos.2 and 3 of 2024 in O.S.No.7338 of 2021 on the file of the XIX Assistant City Civil Court, Chennai.



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For Petitioner(s): Mr.Basu K.Balaiyanantham in both CRPs

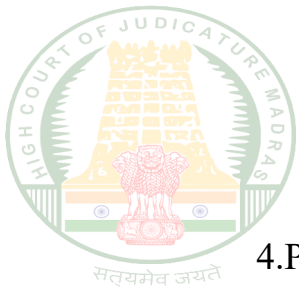
For Respondent(s): Mr.B.Janakiram for R1
No appearance for RR2 & 3 in both CRPs

COMMON ORDER

The present revision petitions challenge the order passed in I.A.Nos.2 and 3 of 2024 to set aside the ex-parte decree passed in a summary suit filed under Order XXXVII Rule 4 of CPC. The said applications were taken out under Order XXXVII Rule 4 of CPC, stating that the petitioner was not served with summons in the said suit, leave alone plaint copies and annexures thereto.

2.Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

3.The learned counsel for the petitioner brings to my notice that the dispute is admittedly a commercial dispute and would have to be necessarily tried before the Commercial Court and as on the date of the decree being passed, the order referring GO's in DIS.No.3851 / Stats / DATED 22.04.2022 had already become effective. He would therefore state that a fair opportunity may be given to the petitioner to contest the ex-parte decree, on merits. He would also bring to my notice that a sum of Rs.50,000/- has been deposited in the execution petition.

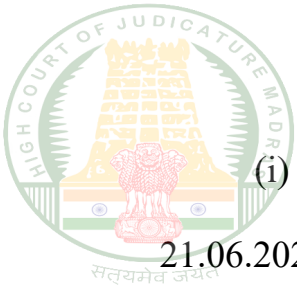


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4.Per contra, the learned counsel for the 1st respondent states that the issue, with regard to the maintainability of the suit before the Commercial Court, was not agitated before the Trial Court and the decree has admittedly been passed, after recording the evidence of the bailiff, who has indicated that notice was served by affixture on the respondents.

5.The suit has been filed by the respondent for recovery of a sum of Rs.3,33,263/-, together with interest at 24% per annum. Admittedly, the cause of action and the dispute between the parties is commercial in nature and though the learned counsel for the 1st respondent would submit that the judgment was reserved prior to the GOs coming into force, as rightly pointed by the learned counsel for the petitioner, the Court has suo motu reopened the matter, which was after the date of GO and in such circumstances, the Court was clearly in error in proceeding with the suit, as if it was an ordinary civil suit, instead of transferring it to the Commercial Court concerned.

7.In the light of the above and also considering the fact that the suit claim is seriously disputed and in order to balance equities, taking into account a sum of Rs.50,000/- having been deposited by the petitioner already before the Executing Court, I am inclined to allow these revisions on the following terms:



(i) The Civil Revision petitions are allowed and the order dated 21.06.2025 in I.A.Nos.2 and 3 of 2024 in O.S.No.7338 of 2021 on the file of the XIX Assistant City Civil Court, Chennai, are set aside.

(ii) The petitioner shall deposit a further sum of Rs.1 lakh on or before 02.09.2026 and simultaneously, written statement shall also be filed on or before 02.09.2026. On compliance of the said deposit, the suit records shall be transferred to the file of the Commercial Court, Chennai.

(iii) Notwithstanding the fact that suit has been filed as an under chapter suit, considering that there has been no service of summons on the petitioner, leave alone copies of the plaint and annexures, as can be seen from the report of the bailiff, I am inclined to direct the Commercial Court, Chennai, to try the suit as a regular suit, expeditiously, subject to compliance of clause (ii) supra.

(iv) The Commercial Court, Chennai, shall decide the suit on merits and in accordance with law, on or before 22.12.2026.

(v) No costs.

22.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.B.BALAJI, J.

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To
The XIX Assistant City Civil Court, Chennai.

CRP No.688 of 2026

22.07.2026