



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.06.2021

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) No.885 of 2021

S.Shanmugarathi @ Rebeca

Through her Power Agent and as her husband

Stanley Samraj

.... Petitioner

-Vs-

1.D.Gnanadoss

2.D.Jebakumar Jesudoss

3.D.Jonardhan Selvadoss

4.PNB Housing Finance Ltd.,

Jehovah Jireh Towers,

No.51/8D/3, 1st Floor, Tiruchendur Road,

Muniyasamy Puram, Tuticorin 628 003.

5.Tamil Nadu Mercantile Bank Ltd.,

South Branch,

W.G.C.Road,

Tuticorin - 2.

6.The Commissioner of Income Tax, (TDS),

7th Floor, New Block,

Aayakar Bhavan, 121, M.G.Road,

Chennai - 600 034.

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the trial Court to take on file the unnumbered original suit as a commercial suit under the commercial Court Act, 2015, within stipulated time.

For Petitioner

: Mr.H.Lakshmi Shankar

ORDER

Heard the learned counsel appearing for the revision petitioner.

2.The revision petitioner filed a plaint before the Principal District Court, Thoothukudi, seeking relief of recovery of money from the defendants 1 to 3 and also sought a charge on the suit property. The revision petitioner filed the suit under the Commercial Courts Act. The plaint was filed way-back on 11.09.2020.

Her grievance is that it is not being numbered. The learned counsel



would state that even if it is not treated as a suit under Commercial Courts Act and only as a regular suit, still it will have to be filed before the Principal District Court, Thoothukudi. The Forum will not change whatever be the character of the suit.

3. Therefore, the Court below is directed to number the suit either under Commercial Courts Act or as a regular suit. If the Court treats the suit as a regular one, then the issue as to whether it can fall under Commercial Courts Act, can be one of the issues that can be decided, after the defendants enter appearance.

4. This Civil Revision Petition is disposed of. The Court below shall number the plaint within a period of eight weeks from the date of receipt of copy of this order.

5. The Registry is directed to return the original plaint papers to the counsel for the revision petitioner.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal District Judge,
Thoothukudi.

2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s. H. LAKSHMI SHANKAR, Advocate (SR-19187[F] dated
11/06/2021)

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11.06.2021

nsm(CO)

TR(24.06.2021) 2P 5C