



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.06.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) No.888 of 2021

1.Ms.Raaj Reals
represented Through its partner,
A.Selvaraj

2.M/s.Raaj Reals represented through its
Partner, Mythily

3.A.Thirumalairaj

.... Petitioners

-Vs-

1.Tamil Nadu Mercantile Bank Ltd.,
Through its Chairman having its head office,
At V.E.Road, Tuticorin, Opp. To Holy Cross Anglo Indian Convent
School.

2.Tamil Nadu Mercantile Bank,
South Branch represented through its Manager,
having its office at D.No.283, West Cotton Road,
Tuticorin - 2.

3.M/s.Mahindra Chits (Tuticorin) Pvt., Ltd.,
Through its Managing Director, P.Maniraj,
S/o.Late.Pattamuthu,
having its office at D.No.77, Ayyalu Naicker Street,
Tuticorin - 1.

4.P.Maniraj

5.P.Maharaja

6.P.Mariappan

7.Indira Maniraj

8.M/s.Mahindra Chambers Bricks Industriest (Firm),
Represented through its Partner P.Maniraj,
S/o, Late. Pattamuthu,
D.No.84, Ayyalu Naicker Street,
Tuticorin - 1.

9.M.Mallika

10.M.Aravind Kumar

11.M.Mareeswari



12.M.Vijayendra kumar

13.A.Shanmugalakshmi

14.Indian Bank,
Melur Branch, Tiruchendur Road,
Near South Police Station,
Tuticorin through its Branch Manager,

15.State of Tamil Nadu,
Through its District Collector,
Thoothukudi District, Tuticorin.

16.The Tahsildar,
Srivaikundam - 628 601,
Tuticorin District.

17.The President,
Keelavallanadu Panchayat,
Tuticorin District.

18.Sub Registrar,
Murappanadu,
Tuticorin District.

19.Sakthi Finance Limited,
D.No.475, Dr.Nanjappa Road,
Post Box No.3745, Coimbatore -18.

20.Superintendent Engineer,
TANGEDCO, Tuticorin.

... Respondents

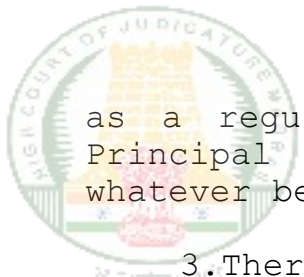
Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the trial Court to take on file the unnumbered original suit as a commercial suit under the commercial Court Act, 2015, within stipulated time.

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 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 28.07.2020. His 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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

Mrn

To

1. The Principal District Judge,
Thoothukudi.

Copy to:
The section officer,
ERsection,
Madurai Bench of Madras High court,
Madurai.

+1 CC to M/s. H. LAKSHMI SHANKAR, Advocate (SR-19188[F] dated
11/06/2021)

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GS (28.06.2021) 4P 4C