



C.R.P.(MD)No.207 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P(MD)No.207 of 2024

M/s.Pommys Garments (India) Ltd.,
Represented by its Managing Director
Mr.A.Innico Inbaraj : Revision Petitioner/
Plaintiff

Vs.

- 1.The Karur Vysya Bank Ltd.,
Represented by its Manager,
33, Railway Feeder Road,
Rajapalayam-626 117.
- 2.The Karur Vysya Bank Ltd.,
Corporate Business Unit,
Represented by its Manager
No.8A, First Floor,
Melur Main Road,
Vinayaga Nagar,
Opposite to Madurai District Court,
K.K.Nagar, Madurai-625 020.
- 3.The Karur Vysaya Bank Ltd.,
Represented by its Manager
170/9, Mattuthavani-Melur Road,
Near Mattuthavani Bus Stand,
Madurai-625 107.
- 4.The Karur Vysya Bank Ltd.,
Head Office represented by its Manager,
No.20, Vadivel Nagar, I.N.S Erode Road,
Karur.
- 5.T.G.Sukumaran and Co.,
Represented by its Senior Partner
Mr.T.G.Sukumaran
New No.63, Old No.29, 1st Floor Nadu Street,
Mylapore, Chennai-600 004 : Respondents/Defendants



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PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Rajapalayam to take on file and number the plaint in un-numbered OS No.- of 2023 and pass such further orders.

For Petitioner : Mr.S.Pon Sethil Kumaran

O R D E R

This civil revision petition has been filed seeking for direction to the District Munsif, Rajapalayam to take on file and number the plaint in un-numbered OS No.- of 2023.

2.The facts in brief:-

The petitioner herein plaintiff herein has presented the plaint seeking the relief of declaration that the Forensic Audit Report, dated 16/06/2022 prepared by the 5th defendant is null and void; and for permanent injunction restraining the defendants 1 to 4 from declaring the plaintiff as willful defaulter on the basis of the report above mentioned; and for costs.

3.The plaint was originally presented before the District Munsif Court, Rajapalayam. on 13/07/2023. It came to be returned periodically pointing certain defects. Finally the District Munsif, Rajapalayam



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returned the plaint stating that prayer sought for in the plaint is not properly valued. So according to the Court, since the value mentioned in the disputed audit report is Rs.72,69,27,148/-, the plaint ought to have been valued properly and proper court fee must be paid. Apart from that, it is also stated that it must be presented before the proper court stating that time exceeds the pecuniary jurisdiction of the District Munsif Court, Rajapalayam.

4.Challenging the above said return order, this civil revision petition is preferred by the petitioner stating that what is pleaded in the plaint is only declaration of the audit report as null and void. Now they challenged the very audit report itself. The value mentioned in the audit report is not an issue, but the report itself is now under challenge. So according to the learned counsel appearing for the petitioner, such a relief is incapable of valuation. So they rightly valued the suit under sections 20(a), 25(d) and 27(c) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

5.For deciding the jurisdiction of the court, especially with regard to the pecuniary jurisdiction, the subject matter of the relief is the criteria to be taken into account. Here, the plaintiff is a borrower from the



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Bank. Auditor was appointed by the Bank to make assessment of the assets and liabilities and there was default in the payment of loan amount. A request was made by them to reconstruct the loan availed. That was not accepted by the Bank. But instead of that, they issued a communication to recall the loan amount. So on the basis of the Forensic Audit Report, dated 16/06/2022, audit is conducted by the 5th respondent herein.

6.Challenging the above said audit report on various grounds only, the plaint is filed. So the substance, what is challenged in the audit report, the amount mentioned in the audit report. Such a relief is incapable of valuation. So the order passed by the trial court stating that it lacks pecuniary jurisdiction is not proper. Even the submission made by the plaintiff was not recorded by the trial court. Only on the administrative side and the order has been passed without any reason. So the trial court ought to have been passed the reasoned order as to the pecuniary jurisdiction of the court. So deciding the pecuniary jurisdiction on the administrative side is not proper and that too without any reasoning is not proper.



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7.On that sole ground, the return order passed by the trial court is set aside. The trial court is directed to process the plaint and take the matter on pecuniary jurisdiction on the judicial side and decide the same on its own merits in accordance with law. Let the original plaint be returned to the petitioner for further process, after retaining the copy of the same.

8.A clarification was sought from the learned counsel on record for the petitioner as to whether the Commercial Court Act, 2015 will stand attracted. But the plaint is valued below Rs.3,00,000/-, So, naturally the plaint cannot be presented before the Commercial Court also.

9.With the above said observation, this civil revision is **allowed**. No costs.

15/02/2024

Index:Yes/No
Internet:Yes/No
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To,

The District Munsif Court,
Rajapalayam,
Virudhunagar District.



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G.ILANGOVAN, J

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