



C.R.P.No.2006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2006 of 2025
and CMP.No.11569 of 2025

1.E.K.Manikanda Prabhu

2.E.K.Krishna Kumar

... Petitioners

Vs.

P.Rajeshkumar

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.03.2025 passed in I.A.No.7 of 2025 in Commercial O.S.No.81 of 2020 on the file of the learned Principal District Judge at Tiruvallur.

For Petitioners	:	Mr.A.Swaminathan
For Respondent	:	Ms.R.V.Gayathri
		for M/s.P.B.Ramanujam Associates

ORDER

Challenge has been made to the order of the Trial Court rejecting the application filed under Order VII Rule 10 of CPC, the present revision has been filed.

2. Heard both sides and perused the materials placed on record.



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3. The suit has been filed originally under the Commercial Courts Act for recovery of money said to have been advanced based on the commercial transactions. Mortgage deed has been entered between the parties, wherein, it is clearly admitted that it is a commercial transaction. Be that as it may, now, the suit is pending for defendant's evidence. At this stage, an application has already been filed by the revision petitioner under Order 7 Rule 11 of CPC, as the same was dismissed, revision was filed before this Court in CRP.No.5269 of 2024, however, the same was withdrawn on 08.01.2025 by the revision petitioner.

4. Once again an application has been taken out under Order 7 Rule 10 of CPC on the ground that the Commercial Court has no jurisdiction as it is a simple money suit, therefore, the provisions under Commercial Courts Act cannot be applied.

5. It is relevant to note that with regard to any jurisdictional issue, the same has to be raised at the earliest possible, having suffered an order in the earlier application which has reached finality once again the same ground



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cannot be urged and reagitated. The Trial Court in fact has clearly held that whether it is commercial dispute or not that will be decided after the trial.

6. Such view of the matter, the Trial Court shall decide that issue taking note of the fact the despite the parties has agreed interest in the contract and possession is also handed over, this aspect can be taken note by the Trial Court while deciding the suit itself whether it falls within the ambit of Commercial Courts Act or ordinary suit.

7. Accordingly, this revision fails and therefore, stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

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Internet : Yes/No
Index : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To

- 1.The Principal District Court, Tiruvarur
2. The Section Officer,
VR Section,
High Court, Madras.

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