



C.R.P.No.1994 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

C.R.P.No.1994 of 2025

and

C.M.P.Nos.11470 & 11472 of 2025

D. Ranganathan

... Petitioner

Versus

1.S. Valli

2.D. Jaya Raman

3.D. Munusamy

4.G. Kalaivani

5.D. Elumalai

6.The Authorized Officer cum Manager,
DCB Bank Ltd.,
1st Floor, No.6, Rajaji Road,
Nungambakkam, Chennai – 600 034.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Munsif Court, Tambaram to number the suit in O.S.(D).No.TNCGOE0001192025 with filing No.143/2025.



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For Petitioner : Mr. G. Surya Narayanan
For Respondents : Mr. S. Ramprasad,
for Mr. M. Guruprasad (For R6)

Mr. M. Himavanth (For R5)

No Appearance (For R1 to R4)

ORDER

Heard, Mr. G. Surya Narayanan, learned counsel for the petitioner, Mr. M. Guruprasad, learned counsel appearing for the sixth respondent and Mr. Himavanth, learned counsel appearing for the fifth respondent. Though the notice served to the respondents 1 to 4, none appeared on their behalf.

2. The plaintiff, aggrieved by the return of plaint by the Trial Court, has approached this Court under Article 227 of the Constitution of India.

3. Mr. G. Surya Narayanan, learned counsel for the petitioner submits that although the legal position with regard to the maintainability of the suit is that a suit is not maintainable if the property is one that has



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been secured by a mortgage and there are proceedings pending under the Securitisation and Reconstruction of Financial Assests and Enforcement of Security Interest Act, (SARFAESI), 2002, he would submit that the subject suit property is not mortgaged within the sixth respondent's bank. Therefore, he submits that the suit is maintainable. However, the Trial Court previously returned the plaint, possibly because one of the prayers was a challenge to the e-auction notice issued by the sixth respondent's bank, which probably was the basis for the Trial Court to return the plaint. Therefore, he seeks liberty of this Court to carry out necessary amendments to bring the suit before the jurisdictional Trial Court and to set aside the order of return of the plaint.

4. In view of the above submissions made by the learned counsel for the petitioner, the petitioner/plaintiff is at liberty to represent the plaint within four weeks, after carrying out the necessary amendments, subject to the satisfaction of the Trial Court. If necessary amendments to bring the suit within the jurisdiction have been made, the jurisdictional Trial Court shall entertain the suit.



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5. Registry is directed to return the original plaint to the learned counsel for the petitioner/plaintiff, to enable the petitioner to represent the same before the Trial Court, across receipt of a memo from the learned counsel for the petitioner/plaintiff and also acknowledgment in token of having taken back the original plaint.

6. With the above observations and directions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petitions are also closed. No costs.

16.06.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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To

- 1.The Sub Court, Ambattur.
- 2.The Sub-Court, Coonoor.
- 3.The Section Officer, V.R. Section, High Court of Madras.



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P.B. BALAJI, J.

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