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C.R.P.No.3291 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. No. 3291 of 2025

V.Ignatius

... Petitioner

Vs

A.Joseph Maria Sebastian

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 29.04.2025 in O.S.SR.No.1303 of 2025 on the file of the District Munsif Court, Chengalpattu.

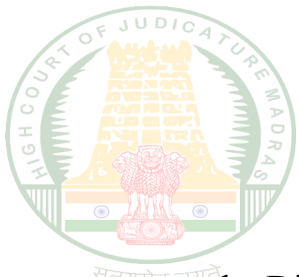
[Cause title accepted vide Court order dated 10.07.2025 made in C.M.P.No.15662 of 2025 in C.R.P.SR.No.90326 of 2025]

For Petitioner : Mr.R.Vijayaraghaven
For Respondent : No appearance

ORDER

This Civil Revision Petition has been preferred challenging the order dated 29.04.2025 made in O.S.SR.No.1303 of 2025 on the file of

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the District Munsif Court, Chengalpattu.

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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. There is no representation for the respondent.

4. The petitioner/plaintiff has filed the suit before the District Munsif Court, Chengalpattu, for permanent injunction restraining the respondent/defendant from interfering with the peaceful possession and enjoyment of the plaint schedule properties and for consequential reliefs. The learned District Munsif, by an order dated 29.04.2025, rejected the said plaint by observing that since there are several commercial transactions between the petitioner/plaintiff and the respondent/defendant and other third parties for developing the suit scheduled properties and in respect of the same suit properties, a commercial suit in C.O.S.No.103 of 2024 filed by a third party before the Principal District Court, Chengalpattu, is also pending against the



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petitioner and granted liberty to the petitioner to file a suit before a appropriate Court where the similar suit is pending or Court having pecuniary jurisdiction. Aggrieved by the same, the petitioner has filed the present revision petition.

5. Learned counsel for the petitioner submitted that the petitioner filed the suit for permanent injunction restraining the defendant from interfering with the peaceful possession of the petitioner/plaintiff, since the plaintiff is the absolute owner of the suit scheduled properties and the respondent/defendant is only an Agreement Holder, as such there is no question of any commercial transactions between them. However, the District Munsif, Chengalpattu, instead of entertaining the plaint, rejected the same on the ground of lack of jurisdiction and also directed the plaintiff to file the suit before the Commercial Court. It is further submitted that the learned District Munsif, ought not to have rejected the plaint, but should have returned the plaint under Order VII Rule 10 of CPC.



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6. On a perusal of the records, it is seen that the suit was filed for permanent injunction not to interfere with the peaceful possession and enjoyment of the plaintiff's properties. However, the plaint itself shows that the suit is arising out of a sale agreement entered between the plaintiff and the defendant. In respect of the same suit schedule properties, the suit in C.O.S.No.103 of 2024 filed by the third party is also pending before the Principal District Court, Chengalpattu. Though the Court below found that though the transactions between the parties are commercial in nature and the Court below has no jurisdiction to entertain the commercial suit under Commercial Courts Act, it should have returned the plaint invoking Order VII Rule 10 C.P.C instead of rejecting the same. However, without invoking the said provisions, the Court below rejected the plaint. Therefore, the order of rejection dated 29.04.2025 in O.S.SR.No.1303 of 2025, is hereby set aside and the District Munsif Court, Chengalpattu, is hereby directed to return the plaint by invoking Order VII Rule 10 CPC to the petitioner to enable him to file a suit before the competent Court.



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7. With the above observations and directions, the Civil Revision

Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The District Munsif,
Chengalpattu.
2. The Principal District Court,
Chengalpattu.
3. The Section Officer,
VR Section,
High Court, Madras.



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P.VELMURUGAN, J

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