IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31/10/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.3773 OF 2022

Ruban Kumar
No.111/A, Nadaipathai Street,
Sri Lakshmi Nagar, 1st Street,
Kundrathur, Kancheepuram – 600 069. ... Petitioner/Plaintiff

Vs.

1.M/s.SBI Bank Ltd.,
Represented by its Managing Director,
No.16, Circle Top House, Aparna Complex,
No.7th Floor, College Road,
Greames Road, Chennai – 600 006.
(Near Sankara Nethralaya)

2.M/s.Indusland Bank Ltd.,
Represented by its Managing Director,
No.25, Steeple Reach, A Block,
3rd Floor, Cathedral Road,
Gopalapuram, Chennai – 600 086.

3.M/s.Kotak Mahindra Bank Ltd.,
Represented by its Managing Director,
5th Floor Samson Towers,
402L Pantheon Road, Egmore,
Chennai – 600 008.

4.M/s.Clix Capitals Services Private Limited,
Represented by its Authorized Persons,
4th Floor, Kailash Building, Kasturba Gandhi Marg,
Connaught Place, New Delhi – 110 001.

5.M/s.IDFC First Bank Limited,
Represented by its Managing Director,
4th Floor, 401-407, A-Wing,
Technopolis Knowledge Park,
Mahakali Caves Road, Andheri (E),
Mumbai – 400 093.
Also having Branch Office at
No.455, 1st Floor, Anna Salai,
Teynampet, Chennai – 600 018.

6.M/s.Axis Bank Limited,
Represented by its Authorized Persons,
Trishul, 3rd Floor, Opp. Samartheswar Temple,
Near Law Garden, Ellisbridge,
Ahmedabad – 380 006.. ... Respondents / Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Order dated August 22, 2022 passed in Unnumbered O.S.SR.No.2519 of 2022 on the file of the District Munsif-Cum-Judicial Magistrate Court, Sriperumbudur at Kancheepuram District and to direct the District Munsif cum Judicial Magistrate, Sriperumbudur to number the Suit in O.S.SR.2519 of 2022.

For Petitioner : Ms.G.Sri Jayashree

ORDER

The Revision Petitioner herein has presented the plaint before 'the District Munsif cum Judicial Magistrate Court, Sriperumbudur', Kancheepuram (hereinafter referred to as 'Trial Court') on August 03, 2022, the Trial Court returned the said plaint on the same date raising a query pertaining to the maintainability of the Suit.

2.The Revision Petitioner re-presented the plaint with explanation on August 22, 2022. On the same date, the Trial Court after perusing the plaint and the plaint documents, rejected the plaint on the ground of non disclosure of cause of action under Order VII Rule 11 (a) of the Code of Civil Procedure, 1908.

3.Feeling aggrieved by the Order of Rejection of Plaint passed by the Trial Court, the Revision Petitioner has preferred this Civil Revision Petition.

4.Learned counsel appearing for the Revision Petitioner submits that without numbering the plaint, the Trial Court rejected the plaint which is not in consonance with the procedure established by law. She further submits that the plaint prayer is not barred by any law much less the SARFAESI Act, 2002 which is mentioned in the Order. The relief sought for by the plaintiff in the plaint is a limited prayer not to cause disturbance or interference of the plaintiff's peaceful possession and enjoyment of the Suit Property except by due process of law. Hence, the learned counsel prays to allow the Civil Revision Petition and to direct the Trial Court to take the plaint on file and proceed as per law.

5.Considering the nature of the Order, this Court is of the view that notice to the Respondents are not necessary.

6.This Court has perused the plaint. It is relevant to extract the plaint Paragraph Nos.7 to 10 and 18.

> *"7.The plaintiff submits that he is residing at No.111/A, Nadaipathai Street, Sri Lakshmi Nagar, 1st Street, Kundrathur, Kancheepuram 600069 and more fully described in the schedule given hereunder. The plaintiff is taken a Personal Loan and Credit Card Loan and Availed loans from the defendants for his family commitments and to commencement of startup businesses. The plaintiff had invested huge amount of money in his*

business but no yield from his investment in the business consequently the plaintiff had borrowed the amount on various dates from the defendants in order to meet out the business commitments.

8.The plaintiff further submits that he remitted the amount to the defendants from time to time without any default but the defendants did not properly credit in the account of the plaintiff for one reason or another. The plaintiff has approached them to give rendition of accounts but they did not give the accounts despite his repeated request. As far as the plaintiff is concerned, he almost repaid the amount but the defendants are not satisfied, though the plaintiff has remitted the amount from time to time.

9.The plaintiff further submits that the banks are maintained the accounts of every customer who had obtained loan from the banks. The banks are maintained CIBIL (Credit Information Bureau (India) Limited). The plaintiff's name is found in the CIBIL records. Therefore, all the defendants joint together and sent their collection agent to the plaintiff's house and threatened them with dire consequences, if the plaintiff does not pay the balance amount to *their respective banks/Financial Institutions. The plaintiff had requested them to furnish the statement of account to settle the amount but without hearing the plea of plaintiff, the defendants threatened the plaintiff to make the payment forthwith. The defendants have no right to collect the amount by engaging the Goondas by illegal means. But the defendants' banks engaged the Goondas under the guise of collection agents in order to collect the amount. The banks have no right to collect the arrears of loan amount by illegal means despite the advice of the courts.*

10.The plaintiff further submits that on 26/07/2022 at 11.30 AM the defendants joint together and sent their henchmen under guise of recovery agents to the plaintiff's house and threatened the plaintiff to pay the amount which were Owe to the defendants and thereby the plaintiff's peaceful life and day to day affairs has been affected. The plaintiff rushed to the local police station to lodge a complaint against the defendants but they refused to take the complaint on file since the matter involve civil in nature. Hence the plaintiff is having no other option to approach this Hon'ble court for seeking suitable relief against the defendants.

18.Therefore the plaintiff prays that this Hon'ble court may be pleased to pass a judgment and a decree against the defendant.

(a) To grant permanent injunction restraining the defendants and their men, agents, subordinates or anyone from in any manner from interfering and disturbing the plaintiff at residence place in the guise of any claim in a prejudicial manner affecting the rights and peaceful life of the plaintiff and his family members at No.111/A, Nadaipathai Street, Sri Lakshmi Nagar, 1st Street, Kundrathur, Kancheepuram 600069 and more fully described under the schedule hereunder, except by due of process of law.

(b)To pay the cost of the suit."

7.As per the plaint averments, the plaintiff borrowed loans from the defendants bank and committed default in repayment of loan. The defendants bank joined together and sent henchmens under the guise of collection agent to the plaintiff's house and threatened the plaintiff with dire consequences. Further, the defendants 4 to 6 issued a legal notice to the plaintiff calling upon to pay the loan amounts. The second defendant bank sent a letter to the plaintiff. The third defendant bank initiated an arbitration proceeding and the Sole Arbitrator issued notice to the plaintiff, as an initiation of the arbitration proceeding against the plaintiff. Though the plaintiff averred that he filed a Police complaint against the defendants bank Managers, there is no document annexed in the plaint.

8.A bare reading of the plaint and the plaint averments would show that the plaint has been presented only with a view to prevent the defendants bank from initiating recovery proceedings.

9.In view of Section 18 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and Section 34 of the SARFAESI Act, 2002, the Jurisdiction of the Civil Courts is barred. To be noted, all the defendants were arrayed in their official capacity and not in their individual capacity.

10. It can be easily discerned that the plaint is filed only with a view to stall the proceedings to be initiated by the defendants under the aforesaid Act. Though plaint reads as if plaint prayer sought for is civil in nature, thorough and careful scrutiny of the plaint and plaint documents would show that plaint prayer is made only with a view to stall the recovery procedure to be initiated by the defendants.

11. The Trial Court after carefully scrutinizing the plaint and the plaint documents and after considering the principles laid down by the Hon'ble Supreme Court in ***T.Arivandandam - vs - T.V.Satyapal*** reported in ***AIR 1977 SC 2421; Dahiben - vs – Arvindbhai Kalyanji Bhanusali (Gajra) Dead through Legal Representatives*** reported in ***AIR 2020 SC 3310*** and ***Pearlite Liners (P) Ltd. - vs - Manorama Sirsi*** reported in ***(2004) 3 SCC 172,*** rightly rejected the plaint at the threshold.

12.This Court does not find any irregularity or illegality in the Order passed by the Trial Court. Accordingly, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs.

31/10/2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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R. SAKTHIVEL, J.

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To

The District Munsif-Cum-Judicial Magistrate Court,
Sriperumbudur,
Kancheepuram District.

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