



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3457 of 2025

M/s.Sun X Concrete India P Ltd.,
Rep. by its Authorized Signatory
S.Vinoth,
Ramaniyam Ocean Isha,
No.11, Old Mahabalipuram Road,
Okkiyam, Thoraipakkam,
Chennai – 600 096.

... Petitioner

Vs.

M/s.Gannon Dunlerley & Co., Ltd.,
Rep. by its Managing Director,
No.120, GNT Road, Madavaram,
Chennai – 600 060.

Having Office at #6-3-1111/16 Nishanth Bagh,
Begumpet (Somajiguda) Hyderabad – 500 016.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 23.06.2023 made in I.A.No.6 of 2023 in C.O.S.No.178 of 2022 on the file of the Sub-Court, Thiruvottiur and
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dismiss the I.A.

For Petitioners : Mr.B.Manoharan

For Respondent : Mrs.Preeti Mohan

ORDER

This revision petition is at the instance of the plaintiff in C.O.S.No.178 of 2022 on the file of the Sub-Court, Thiruvottiyur. The defendant had taken out an application in I.A.No.6 of 2023 for return of the plaint under Order VII Rule 10 of CPC to be presented before the Court of competent jurisdiction. The said application came to be allowed and aggrieved by the same, the plaintiff is before this Court.

2.I have heard Mr.B.Manoharan, learned counsel for the petitioner and Mrs.Preeti Mohan, learned counsel for the respondent.

3.The learned counsel for the petitioner would first and foremost



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contend that the Trial Court has wrongly observed in the impugned order that the counsel for the plaintiff has admitted that the Courts in Hyderabad alone have got exclusive jurisdiction over the subject matter of the suit. He would therefore state that the order passed on a wrong premise and on a concession which was never shown, has to be necessarily set aside and the matter may be remitted to the Trial Court for a fresh consideration. That apart, the learned counsel also contends that the document, on which the Trial Court has placed reliance, has not even been marked as an exhibit and in such circumstances, the order returning the plaint is clearly vitiated and liable to be set aside.

4.Per contra, the learned counsel for the respondent would contend that the Trial Court has rightly adverted its attention to the document which was enclosed, along with the application for return of plaint under Order VII Rule 10 of CPC and merely because the document has not been filed as a suit document along with the plaint, it would not preclude the defendant



from taking the plea of jurisdiction and relying on the said document, which forms the basis of the suit claim. She would therefore seek for dismissal of the revision.

5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.With regard to the first contention of the learned counsel for the petitioner that the counsel never conceded that the Courts in Hyderabad alone have jurisdiction, I find that grounds challenging this observation of the Trial Court is not even taken in the memorandum of grounds of this revision. Further, the petitioners have not even chosen to file a counter to the application for return of the plaint.

7.No doubt, the plaintiff has not exhibited the document, namely the



work order, along with the terms in Annexure - II. However, the said document has been enclosed by the defendant in the application filed under Order VII Rule 10 of CPC. To the said application, the petitioner has not even chosen to file a counter in the first place. The Trial Court, has therefore considered the said contract between the parties and finding that the parties had agreed upon conferring exclusive jurisdiction on the Courts in Hyderabad, held that the suit was liable to be returned to be presented before the competent Court of jurisdiction.

8. Merely because the said document has not been marked, it will not give rise to a ground to the plaintiff to contend that the order itself is vitiated. Technical objections such as the document not being marked cannot be allowed to come in the way of rendering justice to the parties.

9. In fact, the plaintiff ought to have filed this document along with the suit and for reasons best known to the plaintiff/revision petitioner, the said



document has been withheld from the Court. Therefore, when the same was rightly brought to the notice of the trial Court, the trial Court has found that the Court did not have jurisdiction, in view of the parties themselves agreeing upon exclusive jurisdiction being conferred on the Courts at Hyderabad. In view of the above, I do not find any merit in the revision. There is no error or infirmity in the order passed by the Trial Court, ordering return of the plaint.

10. In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs.

17.09.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No

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P.B. BALAJI, J.

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To
The Sub-Court, Thiruvottiyur.

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Today, the matter has been taken up under the caption “Being Mentioned”.

2. Learned counsel for the petitioner has made a mention regarding two concerns of the petitioner, one is to extend the time to re-present the papers before the jurisdictional Forum in view of the fact that the trial court has granted only four weeks time initially.

3. There can be no difficulty since the petitioner has been agitating the issue in this revision before this Court and the revision came to be dismissed only on 17.09.2025. In the light of the above, the revision petitioner is granted further six weeks' time, from the date of receipt of a copy of this order clarifying the order dated 17.09.2025 to re-present the papers before the jurisdictional Forum.



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4. Secondly, learned counsel points out that the Court fees paid in the suit may have to be refunded.

P.B.BALAJI.,J

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5. Though the suit was originally filed before the Principal District Court, Thiruvallur and made over to Subordinate Court, Thiruvottiyur, the petitioner is at liberty to take out an application, seeking refund of court fees before the trial Court viz., Subordinate Court, Thiruvottiyur.

6. Registry is directed to issue fresh order copy.

19.11.2025

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