



C.R.P(NPD)No.5645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **04.11.2025**

CORAM

THE HONOURABLE Mr.JUSTICE P.B. BALAJI

C.R.P(NPD)No. 5645 of 2025

Kishan Chand

...Petitioner

Vs

1. C.Sreenivas

2. C.Shyam Sundar

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 22.07.2025 on the file of O.S.S.R.No.8118 of 2025 of I Assistant City Civil Court of Chennai, is duly numbered and taken on record.

For Petitioner :Mr.T.Kishan Chand (Party-in-Person)



WEB COPY

C.R.P(NPD)No.5645 of 2025



ORDER

This Civil Revision has been filed seeking to set aside the order dated 22.07.2025 passed in O.S.S.R.No.8118 of 2025 on the file of the I Assistant City Civil Court, Chennai.

2. Heard the petitioner(Party-in-Person) and perused the materials available on record.

3. The petitioner challenges the rejection of the plaint even at the stage of registration of the suit. The plaintiff was the 1st defendant in O.S.No.5863 of 2018, which was filed by one C.Radhakrishna. Pending the suit, the said C. Radhakrishna died, and the suit was kept pending for a couple of years without even taking steps to implead the legal representatives of the deceased C. Radhakrishna. Ultimately, the suit came to be dismissed for non-prosecution. It is in these circumstances that the plaintiff has preferred



the present suit in O.S.Sr. No. 8118 of 2025 seeking compensation for the inconvenience, prejudice and loss caused to him by being forced to defend the frivolous suit in O.S. No. 5863 of 2018. The learned I Assistant Judge, City Civil Court, Chennai, proceeded to hear the plaintiff, who appeared as party-in-person, on the merits of his entitlement and rejected the plaint even at the stage of numbering the suit.

4. This Court, in the case of ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Ltd., reported in 2021 (4) CTC 539***, has held that the Courts are not bound to conduct a roving enquiry at the stage of numbering of the suit and the Court is only performing a ministerial function and not a judicial one. Therefore, it would not be proper on the part of the Trial Court to go into the merits of the claim or the entitlement of the plaintiff even before numbering the suit and to reject the plaint at that stage.

5. Applying the ratio laid down in the judgment referred supra,



C.R.P(NPD)No.5645 of 2025

this Court is inclined to set aside the order passed in O.S.Sr.No.8118 of 2025 dated 25.08.2025 and the Civil Revision Petition is allowed.

WEB COPY

The learned I Assistant Judge, City Civil Court, Chennai shall examine the plaint and if it is otherwise in order, number the suit and proceed to dispose of the same on merits and in accordance with law after issuing summons to the defendants in the suit. No costs.

04.11.2025

Index : Yes/No
Speaking Order : Yes / No
srn

To

The I Assistant Judge,
City Civil Court,
Chennai.



WEB COPY



C.R.P(NPD)No.5645 of 2025

P.B. BALAJI, J,

srn

C.R.P(NPD)No. 5645 of 2025

04.11.2025