



CRP.(PD)No.4011 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CRP.(PD) No.4011 of 2025

P.Selva Murugan

... Petitioner

vs.

Sundara Pandian.R

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Docket Order dated 01.11.2023 passed by the Hon'ble Subordinate Court, Poonamallee in O.S.No.714 of 2022 and quash the same.

For Petitioner : Mr.R.Srinivasalu

ORDER

The plaintiff has preferred this Civil Revision Petition. Originally the Suit was filed for recovery of money and the same was renumbered as Commercial Suit in O.S.No.714 of 2022. The Suit was filed for recovery of money for a sum of Rs.20,39,507/- together with subsequent 12% interest as agreed on the principal sum of Rs.15,00,000/- from the date of plaint till the date of realisation, on the file of the Sub-Court, Poonamallee. and further, pre-institution mediation were also



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initiated. The respondent / defendant did not appear before the trial Court on 14.06.2023 and the defendant was set exparte. Thereafter, on 26.07.2023, the plaintiff was examined and documents were marked. On 07.09.2023, the Trial Court raised doubts over the territorial and pecuniary jurisdiction of the Suit and posted for arguments on maintainability on 01.11.2023.

2. On 01.11.2023, the Sub-Court, Poonamallee has passed the following order:

“1.This case was posted for clarification on the territorial and pecuniary jurisdiction of this Court to entertain the suit. The counsel for the plaintiff was heard on the maintainability.

2. The property in respect of which the relief of sale is pressed against is situated at Kundrathur Village, Sriperumbudur Taluk, Kancheepuram district. This is a simple suit for recovery of Rs.20,39,507/- but has been inadvertently numbered as a commercial suit.

3. Accordingly, this Court has neither pecuniary jurisdiction nor territorial jurisdiction to try the suit. Hence the suit is returned for representation before the Hon'ble Principal District Court, Kancheepuram @ Chengalpattu u/o VII Rule 10 of CPC. Time one month.”

3. In compliance to the aforesaid order dated 01.11.2023, the plaint was represented before the Principal District Court at Chengalpattu on 06.11.2023, whereas the said Court has also returned the Suit on 04.07.2024 stating that the



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Suit has to be filed in proper forum. The plaintiff had represented the suit before the Principal Sub-Court at Kancheepuram on 02.09.2024 and the same has been returned. Thereafter, the plaintiff once again represented the same before the Principal District Court at Chengalpattu on 04.10.2024 by enclosing the instructions of this Court, vide ROC.No.3233A/2016/G4 dated 12.08.2024. Whereas the Principal District Court, Chengalpattu vide Docket Order dated 10.12.2024, returned the suit papers and redirected the Suit to be filed only before the Principal District Court at Kancheepuram. Once again, the plaintiff had represented the suit before the Principal District Court at Kancheepuram on 20.12.2024, whereas the same was also returned on 31.12.2024 stating that the suit is not maintainable before that Court. Thereafter, the Suit was represented before the Sub Court at Poonamallee on 12.02.2025, but the same was returned on 13.02.2025 stating that there is no pecuniary or territorial jurisdiction to try the suit. On 23.04.2025, the plaintiff has represented the Suit before the Principal District Court at Tiruvallur, whereas the same was also returned on 30.04.2025 stating that how the Suit is filed before the said Court as the jurisdiction to be explained. Aggrieved over the same, the plaintiff has instituted the present Civil Revision Petition.



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4. The learned counsel appearing for the petitioner would submit that the parties are residing at Porur and the pecuniary jurisdiction lies only before the Principal District Court, Tiruvallur. The learned counsel would further submit that at the time of taking *exparte* evidence before the Sub-Court, Poonamallee, the Court had not returned the original documents and other connected case bundles relating to the same and therefore, it is just and necessary that the Sub-Court, Poonamallee has to return the original documents and other case bundles to the file of the Principal District Court, Tiruvallur.

5. Heard the learned counsel appearing for the petitioner and perused the materials on record.

6. It is seen from the records that the Suit is filed for recovery of money, failing which ordered for sale of immovable property of the defendant within the time limit fixed by the Court. It is also seen from the records that the plaintiff / Selvamurugan, S/o. K.Palaniswamy residing at Plot No.21, Door No.4/16, 3rd Cross Street, Kandhaswamy Nagar, Karambakkam, Porur, Chennai-600 116. The



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defendant / Sundarapandian, S/o. V.K.Rajagopalan is residing at Door No.4/43, 3rd Cross Street, Kandaswamy Nagar, Karambakkam, Porur, Chennai-600 116. It is stated in the plaint that the defendant is closely related to him and since the defendant was in need of funds urgently for his business purpose, he has approached the plaintiff during 3rd week of July 2019 and requested him to advance him a sum of Rs.15,00,000/- to meet his urgent business commitments. The plaintiff had paid a sum of Rs.15,00,000/- to the defendant, who had duly acknowledged the receipt of the same and agreed to return the same at the earliest. It is also stated in the plaint that the defendant had issued a cheque in favour of the plaintiff for a sum of Rs.19,00,000/- vide Cheque No.000172 dated 15.03.2022 drawn on Karur Vysya Bank, Valasaravakkam Branch, Chennai, towards the dues of the plaintiff.

7. It is seen from the plaint that the cause of action arose at Poonamallee, within the jurisdiction of the Court and the plaintiff resides at Porur and on 19.07.2019, when the defendant obtained loan amount of Rs.15,00,000/- from the plaintiff and then on 21.04.2022, the plaintiff issued legal notice to the defendant. The schedule of property mentioned in the plaint is the vacant land measuring about 1200 sq.ft. Bearing Plot No.110, situate in the Temple Town comprised in



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S.No.929/2 as per Patta No.1213, New Survey No.929/17, Kundrathur Village.

Sriperumbudur Taluk, Kancheepuram District.

8. At this juncture, it is relevant to refer Section 20 CPC, which is extracted hereunder:

S.20. Other suits to be instituted where defendants reside or cause of action arises.- Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction-

(a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided. that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally works for gain, as aforesaid, acquiesce in such institution; or

(v) The cause of action, wholly or in part, arises.

Explanation: A corporation shall be deemed to carry on business at its sole or principal office in India, or in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

9. The Suit is filed for recovery of money within the time fixed by the Court, failing which sale of the defendants immovable property prescribed in the



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schedule. Initially, the Sub-Court Poonamallee had wrongly numbered the Suit as a Commercial Suit and furthermore, at the stage of judgment, had returned the original suit. The plaintiff and the defendant are residing in Porur as per the plaint and the alleged issuance of the Cheque is at KVB, Valasaravakkam Branch, which is also situated in Tiruvallur District. As per Section 20 CPC, where the defendant resides at the time of filing of the Suit and also carries on business and works for gain decides the institution of the Suit.

10. Where two Courts have jurisdiction to entertain the Suit consequent upon a cause of action having arisen there within, if the parties to the contract agreed to vest jurisdiction in one such court to try the dispute, the agreement is valid and if such contract is clear, unambiguous and explicit and not vague and it is not hit by Section 23 & 28 of the Contract Act [*A.B.C. Laminart (P) Ltd. v. A.P.Agencies, Salem reported in (1989) 2 SCC 163*]. It is seen from the records that the pecuniary jurisdiction in respect of the prayer sought for by the plaintiff will come only before the Principal District Court, Tiruvallur.

11. In the light of the reasons assigned above, this Civil Revision Petition stands allowed and the order impugned dated 01.11.2023 passed by the learned



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Subordinate Court, Poonamallee in O.S.No.714 of 2022 is set aside. The Sub-Court, Poonamallee is directed to return the suit papers for representation before the Principal District Court, Tiruvallur within a period two weeks from the date of receipt of a copy of this order. The Principal District Court, Tiruvallur is directed to expedite to number the case in a manner known to law, if it is otherwise in order. No costs.

17.09.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To

- 1.The Sub-Court,
Poonamallee.
- 2.The Principal District Court,
Tiruvallur.



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M.JOTHIRAMAN, J.

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