



C.R.P.No.4288 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4288 of 2025

1.S.Sathishkumar
2.S.Kathirvelu
3.S.Selvavinayagam
4.S.Kamatchi

.... Petitioners

Vs

Jana Small Finance Bank,
Registered Office at:
Jana Small Finance Bank Ltd.,
The Fairway Business Park Hark,
#10/1, 11/2, & 12/2B Off Dombur,
Koramangala Inner Ring Road,
Next to Embassy Golf Links Challaghatta,
Bangalore-560 071

Also Branch Office at:
NO.Ground Floor, GKM Arcade,
Door Nos.2 & 4, 100 Feet Road, Anna Nagar,
Pondicherry-605004.

... Respondents

Revision filed under Article 227 of Constitution of India to set aside the order in O.S.SR.No.219 of 2025 dated 03.09.2025 passed by Principal District Munsif, Villupuam and to direct the Principal District Munsif, Villupuram to take on record and number the suit in O.S.SR.No.219 of 2025 as maintainable before the civil Court.



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For Petitioners: Mr.A.Syed Numair

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ORDER

Heard the learned counsel for the petitioners.

2. The petitioners/plaintiffs challenge the return of the plaint in OS SR No.219 of 2025 by the Principal District Munsif, Villupuram.

3. Learned counsel for the petitioners state that civil suit against the Bank is maintainable and there is no bar under Section 34 of SARFAESI Act, 2002, since according to the petitioners/plaintiffs, as set out in the plaint, as on date, the bank has not initiated any action under the SARFAESI Act against the revision petitioners/plaintiffs. Learned counsel for the petitioners/plaintiffs further states that that petitioners' assets have not yet been declared as Non-Performing Assets (NPA) and in view of the same, learned counsel would contend that there is no bar for the petitioners/plaintiffs to invoke the jurisdiction of the competent civil court.

4. Learned counsel would invite my attention to the decision of the Hon'ble Supreme Court in *Mardia Chemicals Ltd & Ors vs Union of India & Ors* reported in (2004) 4 SCC 311, in support of his contentions.



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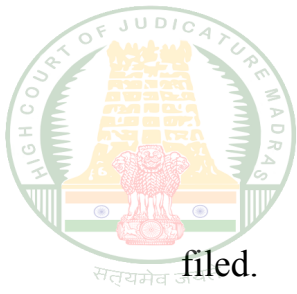
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5. I have carefully considered the submissions of the learned counsel for the petitioners/plaintiffs.

6. I find from the prayer that has been sought for by the petitioners/plaintiffs in the plaint is that the petitioners/plaintiffs seek blanket permanent injunction to restrain the defendant bank from interfering with their peaceful possession and enjoyment of the property.

7. On the very face of the said prayer, I find that the suit cannot be maintained since such a blanket prayer for permanent injunction cannot be granted. However, it is always open to the petitioners/plaintiffs to modify the prayer suitably and thereafter, represent the plaint before the Principal District Munsif Court, Villupuram.

8. I find that the plaint has been returned on 03.09.2025, questioning the maintainability of the suit in view of the bar under Section 34 of the SARFAESI Act. I do not find that the said returns have been complied with. Challenging the said return dated 03.09.2025, the present revision has been



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filed.

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9. It is proper for the petitioners/plaintiffs to represent the plaint before the Principal District Munsif Court, Villupuram after suitably amending the prayer and also taking shelter under the decision of the Hon'ble Supreme Court in *Mardia Chemicals Ltd & Ors vs Union of India & Ors* reported in *(2004) 4 SCC 311* and argue maintainability of the suit. Without doing so, it is not proper on the part of the petitioners/plaintiffs to straight away approach this Court under Article 227 of the Constitution of India.

10. In view of the above, the Civil Revision Petition is disposed of in the following manner:-

(i) Registry shall return the original plaint to the petitioners/plaintiffs within a period of one week from the date of receipt of a copy of this order.

(ii) The petitioners/plaintiffs shall carry out suitable amendments in the prayer column viz., permanent injunction relief and thereafter re-present the same



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after complying with the other formal returns.

(iii) Regarding maintainability of the suit, the learned Principal District Munsif, Villupuram shall hear the learned counsel for the plaintiffs in the open court and pass orders on merits and in accordance with law within a period of two weeks from the date of re-presentation being made by the plaintiffs.

No costs.

08.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order
sr

To

The Principal District Munsif, Villupuram



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P.B.BALAJI,,J

SR

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