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C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4744 of 2025
and C.M.P.No.23954 of 2025

1. Flexpro Engineers
Rep by its Proprietor, D.No.14/85A,
Infront of Church, Dr. Subbarayan
Nagar, Mettur Dam, Salem Dt 636
401.
2. K.S. Thulasimani
Proprietor of Flexprop Engineers,
D.No.14/85A, Infront of Church, Dr.
Subbarayan Nagar, Mettur Dam,
Salem Dt 636 401.
3. Ashok Kumar
S/o. Thulasimani, General Manager,
D.No.14/85A, Infront of Church, Dr.
Subbarayan Nagar, Mettur Dam,
Salem Dt 636 401.

Petitioner(s)

Vs

1. Pipe Field Chennai Pvt Ltd.,
Rep by its Director, A. Sankaralingam
S/o. Arumugam, No.11,
Gangaiamman Koil Street,
Vadapalani, Chennai 026.

Respondent(s)



C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 13.06.2025 in IA No.2 of 2025 in COS No.319 of 2024 passed by the Principal Commercial Judge at Egmore, Chennai.

For Petitioners : Mr.Athiban Vijay A.K.

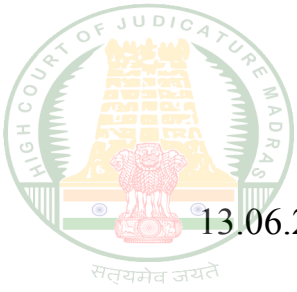
ORDER

The unsuccessful defendants have preferred the present civil revision petition.

2. The suit in C.O.S.No.319 of 2024 is filed for recovery of a sum of Rs.35,18,760/- with further interest and costs.

3. The revision petitioners, who are the defendants, have filed a written statement. Necessary issues were also framed. On the side of the plaintiff, P.W1 was examined and the case is posted for the cross-examination of P.W.1. At this stage, the defendants filed an application in I.A.No.2 of 2025 in C.O.S.No.319 of 2024 under order VII Rule 11 C.P.C to reject the plaint in C.O.S.No.319 of 2024.

4. Upon hearing either side, the Court below, vide order dated



C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

13.06.2025, dismissed the application on the ground that there is no material on records to show that there is any lack of cause of action or that the suit is bad for mis-joinder or non-joinder of parties. Aggrieved over the same, the defendants have preferred this revision.

5. The learned counsel for the revision petitioners would submit that the Court below failed to consider whether the plaint discloses a real cause of action or illusory cause of action created through clever drafting. He would further submit that when a plaint does not disclose a cause of action, the Court below ought to have rejected the plaint in limine. He would also submit that the defendants' business was involved with one M/s.Kovai Pipes and Tubes situated at Coimbatore and all the transactions were directly with them or based on their instructions. Therefore, the respondent / plaintiff ought to have sued M/s.Kovai Pipes and Tubes as the cause of action lies against them. According to the revision petitioners/defendants, the entire cause of action arose between them and M/s.Kovai Pipes and Tubes and the plaint presented by the respondent/plaintiff is liable to be rejected.

6. Heard the learned counsel for the petitioners/defendants and

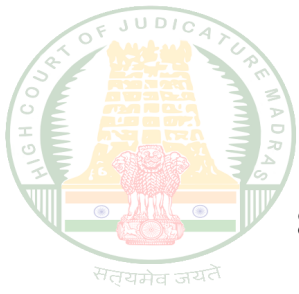


C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

perused the materials available on record.

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7. It is seen from the plaint averments that the plaintiff is engaged in wholesale pipe business and the 1st defendant purchased MS ERE tubes which was delivered to M/s.GM Sugar and Energy Limited, Karnataka as per the instructions of the petitioners/defendants. The materials were duly accepted and part payments were also made. It is also stated that the defendants issued cheques towards the balance outstanding to the tune of Rs.29,35,171/- and the said cheques were dishonoured which constrained to file the suit. According to the revision petitioners, there is no privity of contract between the plaintiff and the revision petitioner/defendants and they had business connections only with M/s.Kovai Trders, who was not made a party to the proceedings. It is a well settled position that only the plaint averments and documents filed therewith are relevant for consideration. In the present case, the Court below has found that there is no material on record to show that there is a lack of cause of action or that the suit is bad for mis-joinder or non-joinder of parties.



C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

8. Considering the stage of the suit and in view of the fact that the

Court below has rightly held that the application has to be considered only based on the plaint averments, this Court finds no reason to interfere with the impugned order. Accordingly, the civil revision petition is dismissed. The learned Principal Commercial Judge, Egmore, Chennai is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The Principal Commercial Judge at Egmore,
Chennai.



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C.R.P.(Pd)No.4744 of 2025 and C.M.P.No.23954 of 2025

M. JOTHIRAMAN, J.

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C.R.P.No.4744 of 2025
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07.10.2025