



WEB COPY

CRP No.4919 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 4919 of 2025

CMP No.24859 of 2025

Vellore Educational and Social Trust,
rep. by its Trustee K.Anand,
D.No.6, West Cross Street,
Gandhi Nagar, West Virudampet,
Katpadi, Vellore 632 006.

... Petitioner

Vs.

M.Shoba, w/o (late) T.Devaraj,
¾ Mosque Street, Aminjikarai,
Chennai 600 029.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 21.08.2025 made in I.A.No.2 of 2025 in O.S.No.4364 of 2024 on the file of XIX Assistant City Civil Court, Chennai.

For Petitioner(s): MR.T.Annamalai
For Respondent(s) Mr. G.K.R.Pandian



ORDER

This civil revision petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/defendant seeking rejection of plaint.

2. The respondent/plaintiff filed a suit for recovery of money, treating the cheques issued by the respondent as acknowledgment of debt. According to the respondent, the petitioner/defendant borrowed a sum of Rs.10,00,000/- during February 2020 and agreed to repay the same with interest at the rate of 24% p.a. Subsequently, the petitioner issued two cheques for the face value of Rs.5,00,000/- each to the respondent, during December 2022 for discharging the debt. The said cheques were bounced and treating the same as acknowledgment of debt, the present suit was filed, seeking recovery of money.

3. The petitioner/defendant filed the instant application on the ground that the plaint did not disclose cause of action and the prayer sought for in the plaint is barred by law. Since the said application was dismissed by the court below, the petitioner has come before this court.

4. The learned counsel for the petitioner would submit that there is no cause of action for the respondent to maintain the suit for recovery of money, since the prayer is barred by limitation, as initial transaction relied on by the



respondent was of the year 2020. The learned counsel for the petitioner would further submit that the petitioner/defendant and the respondent/plaintiff are residing at Vellore and hence, the City Civil Court, Chennai has no territorial jurisdiction to entertain the present suit.

5. A perusal of the averment found in the plaint would indicate that the petitioner/defendant borrowed a sum of Rs.10,00,000/- from the respondent/plaintiff during February 2020, agreeing to repay the same with interest at the rate of 24% p.a. Subsequently, the petitioner issued two cheques for the face value of Rs.5,00,000/- each for the purpose of discharging the debt amount. The cheques were bounced. Therefore, the respondent/plaintiff filed the present suit along with the cheques issued by the petitioner, returned memo of respondent's banker etc., as plaint documents. Whether the facts pleaded by the respondent/plaintiff with regard to the borrowal of the amount and issuance of cheques by the petitioner/defendant are true or not is a question to be decided, based on the evidence at the time of final disposal. On the face of the averment found in the plaint and the documents filed in support of the same, this court, prima facie, feels that the respondent/plaintiff has got cause of action to main the suit. Therefore, the contention raised by the learned counsel for the petitioner is repelled.



6. It is also stated by the learned counsel for the petitioner that the alleged borrowal was during February 2020 and the present suit was filed only during July 2024 and therefore, the suit for recovery of money is beyond the period of limitation. The said contention raised by the petitioner is not acceptable, in the light of the averment made in the plaint that the petitioner issued two cheques for the face value of Rs.5,00,000/- each, during December 2022 for discharging the debt and the said cheques were bounced. Issuance of cheques by the petitioner is an acknowledgment of debt, according to the averment found in the plaint. Therefore, the suit is very well within a period of 3 years from December 2022. Hence the question of limitation is also rejected.

7. The learned counsel for the petitioner vehemently contended that the defendant is residing at Vellore and therefore, the court at Chennai has no territorial jurisdiction to entertain the suit.

8. The learned counsel for the respondent/plaintiff would submit that borrowal of amount by the petitioner has taken place within the territorial jurisdiction of Chennai Court and the cheques were issued to the respondent and the same were presented before the bank at Chennai. Therefore, the City Civil Court, Chennai has got territorial jurisdiction to entertain the suit.



9. The petitioner can very well raise all his objections as to territorial jurisdiction by filing his written statement and the same shall be considered by the court below, in accordance with law. The lack of territorial jurisdiction is not a ground to reject the plaint under Order VII Rule 1 CPC. At the most, if the objection as to territorial jurisdiction is sustained, court can only return the plaint and it cannot reject it.

10. Finally, the learned counsel for the petitioner would submit that plaint has not been properly valued and the respondent /plaintiff has failed to pay court fee on the interest component of the principal amount. In fact, the objection as to valuation has not been raised by the petitioner/defendant in his affidavit, filed in support of the petition for rejection of plaint before the Court below.

11. A perusal of valuation column of the plaint would indicate that the respondent valued the suit at Rs.10,00,000/- and paid court fee only for that principal amount. However, the respondent sought for decree for recovery of principal amount together with interest at the rate of 24% p.a. from May 2022. In such circumstances, the respondent/plaintiff is bound to value the interest component from May 2022 till the date of presentation of the plaint and affix *ad valorem* court fee on the said amount. Therefore, this court feels that the plaint has not been properly valued. The respondent shall pay additional court fee on the interest component and consequently, the valuation column of the



plaint shall be suitably amended by the respondent/plaintiff by presenting appropriate application before the Trial Court. The petition for amendment and payment of additional court fee shall be made within a period of four weeks from the date of receipt of copy of this order. In case, the petitioner fails to pay additional court fee and file appropriate application for amendment of plaint, within the time, fixed by this court, the plaint shall stand rejected, in terms of Order VII Rule 11(b) of CPC. The impugned order passed by the Court below is modified accordingly.

12. With the above directions, this civil revision petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

07.11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The XIX Assistant Judge,
City Civil Court, Chennai.



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S.SOUNTHAR J.

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