



WEB COPY

CRP No. 6551 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6551 of 2025

P. Rekha Devi
W/o.Padamchand, No.2,
Somaisundaram Devar, 3rd Street,
Ayanavaram, Chennai- 600023.

Petitioner(s)

Vs

1. B. Gowthamchand Kankaria
S/o.Late Badalchand kankaria,
No.96, Adarsh Jeevan Apartments,
A.P.Road, Choolai, Chennai- 600 112.

2.A. Meetali Metha
D/o. Ajeeth Kumar, Residing at
Old No.27, New No.44, 2nd Floor,
Ramanathan Street, Ayanavaram,
Chennai -600 023.

3.Tarun Mehta
S/o. Ajeeth Kumar, Residing at
Old No.27, New No.44, 2nd Floor,
Ramanathan Street, Ayanavaram,
Chennai -600 023.

4.Chandra
D/o. Shanthilal Bothra,
W/o. Late Gyanchand, Residing at
No.16A/26, South Street, Radha Nagar,
Chrompet, Chennai - 44.

5.Pragya
D/o. Late Gyanchand, Residing at
No.16A/26, South Street, Radha Nagar,
Chrompet, Chennai - 44.

6.Naveen Kumar Metha
S/o. Gouthamchand Metha,



Akash Ganga Apartments,
Block 4, Flat No.410, 3rd Floor,
Flowers Road, Kilpauk,
Chennai -600 010.

7.Ashok Mehta - Auditor
Proprietor of M.C.Metha and Co,
4N/2, Sara Manor,
Prof. Subramanian Street, Kilpauk,
Chennai – 600 010.

Respondent(s)

PRAYER

Civil Revision Petition is filed under Section 115 of C.P.C to set aside the order passed by XIIIth Assistant Judge, City Civil Court Chennai in OS No.5248/2025 dated 26.09.2025.

For Petitioner (s) : M/s.T.Sreelekha

ORDER

Heard M/s.T.Sreelekha, learned counsel for the petitioner.

2.The plaintiff is the revision petitioner who had filed a suit in OS No.5248 of 2025, on the file of XIIIth Assistant City Civil Court, Chennai for relief of declaration and consequential relief.

3. The suit was posted for maintainability before the learned judge and thereafter, accepting that the suit was maintainable, the suit was also directed to be numbered. Consequent to the same, the suit was numbered as OS No.5248 of 2025. However, *suo motu* the Trial Court, under Order VII Rule 11 of CPC and proceeded to reject the plaint. In fact, the learned counsel for the



petitioner also bring to my notice that the learned counsel for the plaintiff has not even been given an opportunity to make submissions with regard to the maintainability of the suit. In any event, having numbered the suit, the Trial Court ought not to have *suo motu* exercised its power under Order VII Rule 11 of CPC, rejecting the plaint. It is always open to the defendants, who after service of summons, to before the Court and seek rejection of the plaint, if at all advised so. However, the order passed by the Trial Court is clearly improper and liable to be set aside. This Court in the case of ***Selvaraj vs Koodankulam Nuclear Power Plant India Limited***, reported in ***2021 (4) CTC 539***, had also issued directions to the Trial Court, as to how the applications and suit should be dealt with at the pre institution stage. In the present case, the suit having been numbered already, Trial Court clearly fell in error in exercising *suo motu* the power under Order VII Rule 11 of CPC.

In view of the above, this Civil Revision Petition is allowed and the order dated 26.09.2025, is set aside. The Trial Court shall proceed with the order in accordance with law. This order shall not come in the way of defendants seeking rejection of the plaint, under Order VII Rule 11 of CPC, if so advised.

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19-12-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



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P.B.BALAJI J.
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To

The XIII Assistant City Civil Court,
Chennai.

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