



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 6416 of 2025
and
CMP No. 31728 OF 2025**

T.Gayathri Devi
D/o.Late A.Thiyagarajan,
20/20, 2nd Streer, Vasantham Colony,
18th Main Road, Anna Nagar,
Chennai 600 040.

Petitioner(s)

Vs

1. The Branch Manager
State Bank of India,
Rep.by its Branch Manager,
Pudurprivu Branch (50783)
Tirupur 641 608.

2.T.Deepika
253, Old No.228, State Bank Colony,
Varnapuram 5th Street,
Anna Nagar, Bhavani,
Erode District 638 301.

3.Geethanjali
W/o.Navaneetha Krishnan,
D/o.A.Thiyagarajan,
No.20/20 2nd St, Vasantham Colony, 18th
Main Road, Anna Nagar,
Chennai 600 040.
Now at Geethanjali Navaneeth,
11265, Wheeler Ridge Drive,
Manassas VA 20109, United States.

Respondent(s)



PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 07.11.2025 in OSCFR No. 4860/2025 on the file of the Principal District Munsif, Tiruppur and number the suit and take it on file and allow the Revision.

For Petitioner(s): R.Seethalakshmi

ORDER

This Civil Revision Petition has been filed to set aside the docket order dated 07.11.2025 in OSCFR No. 4860 of 2025 on the file of the Principal District Munsif, Tiruppur and number the suit and take it on file and allow the Revision.

2. Heard the leaned counsel for the petitioner.

3. The revision petitioner challenges the docket order dated 07.11.2025, returning the suit, on the ground that the plaintiff has not disclosed any cause of action.

4. The learned counsel appearing for the petitioner invites my attention to the cause of action paragraph in the plaint and submitted that the suit as prayed is certainly maintainable under Section 9 of the Code of Civil Procedure and the trial Court has erroneously proceeded to direct the petitioner to work out his remedy in accordance with law.



5. I have carefully considered the submissions made by the learned counsel for the petitioner and also gone through the plaint averments and also the relief sought in the suit. The plaintiff seeks mandatory direction to the 1st defendant Bank and also an injunction as against the 2nd defendant. The plaintiff has set out the cause of action and it is not for the Court, while performing a ministerial function, at the time of registration of the suit, to go into the minute details and return or reject the plaint, especially invoking provisions under Order VII Rule 11 of C.P.C. The Court does not perform any judicial function, in order to return or reject the plaint, on the ground it does not disclose a cause of action, even at the numbering stage of the suit. This Court has time and again held that such roving enquiry cannot be conducted by the Court at the institution stage/that is pre-numbering stage in the suit. This Court in the case of *Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514*, has also issued detailed directions to trial Courts to be followed, in the manner as to how the suit should be numbered and the power of the Court for returning or rejecting the plaint at that stage. The said dictum of this Court has also not been followed by the Court below.

6. In the light of the above, I am inclined to set aside the docket order dated 07.11.2025, the original plaint in OSCFR No.4860 of 2025 shall be returned to the learned counsel for the petitioner, within a week from the date of copy of this order being uploaded in the High Court website, enabling the petitioner to represent the same before the trial Court.



WEB COPY

7. This Civil Revision Petition is allowed and the order in OSCFR No. 4860 of 2025 is set aside. The trial Court shall number the suit, if it is otherwise in order and this order shall not come in the way of the defendants seeking to reject the plaint to invoke any of the limbs of Order VII Rule 11 C.P.C, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

17-12-2025

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The Principal District Munsif, Tiruppur.



WEB COPY



P.B.BALAJI J.
jd

CRP No. 6416 of 2025

17-12-2025