



C.R.P.No.431 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.431 of 2026

R.Murugesan

... Petitioner

Vs.

1. M/s.Sri Green Valley Printers
Represented by its Partner
Mr.N.Selvakumar
No.38, L.G. Compound,
Thottipalayam Village, Angeripalayam Post,
Vengamedu, Tiruppur.

2. N.Selvakumar

3. S.Gowsinraja

4. L.Vikram Laxman

... Respondents

Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 07.12.2025 in O.S.CFR No.12774 of 2025 on the file of the learned Principal Subordinate Judge, Tiruppur and direct the learned Principal Subordinate Judge, Tiruppur to number the suit.

For Petitioner : Mr.J.Franklin



C.R.P.No.431 of 2026

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ORDER

This Civil Revision Petition has been filed challenging the order dated 07.12.2025 passed in O.S.C.F.R.No.12774 of 2025 on the file of the learned Principal Subordinate Judge, Tiruppur, and seeking a direction to number the suit.

2.Heard Mr. J. Franklin, learned counsel appearing for the petitioner.

3.The revision petitioner had presented O.S.C.F.R.No.12774 of 2025 before the Principal Subordinate Court, Tiruppur, seeking dissolution of the first defendant–firm and for a direction to the first defendant–firm to render accounts of the partnership firm from the financial year 2019–2020. At the stage of numbering itself, the learned Trial Judge returned/rejected the plaint holding that the relief relating to dissolution was not maintainable, though the prayer for rendition of accounts was maintainable.



C.R.P.No.431 of 2026

4. In such circumstances, the Trial Court ought not to have rejected the plaint at the threshold. In any event, this Court, in ***Selvaraj and Others vs. Koodankulam Nuclear Power Plant India Ltd.***, reported in ***2021 (4) CTC 539***, has laid down guidelines for the Trial Courts to follow at the stage of numbering of suits, namely that only the averments in the plaint are to be looked into and no roving enquiry is to be conducted. The learned Principal Subordinate Judge ought to have borne in mind that, at the stage of numbering of a suit, the Court performs only a ministerial function and not a judicial function. The Court is required to go by the plaint averments and, if otherwise in order under Section 9 of the Code of Civil Procedure, the suit ought to be numbered.

5. The suit should have been numbered and thereafter proceeded with in accordance with law. However, it is always open to the defendants to file an application for rejection of the plaint, if so advised, and the order passed in this revision shall not stand in the way of the defendants exercising such right. Since the plaint has been rejected even at the stage of numbering, and as no serious prejudice would be caused to the respondents/defendants whose rights are otherwise fully preserved, this Court is inclined to allow the Civil Revision Petition at the stage of

3/5



C.R.P.No.431 of 2026

admission without issuing notice to the respondents.

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6. Accordingly, the impugned order dated 07.12.2025 is set aside.

The learned Principal Subordinate Judge, Tiruppur, is directed to number the suit within a period of two (2) weeks from the date of receipt of a copy of this order and thereafter proceed with the same on merits and in accordance with law, after affording an opportunity of hearing to the revision petitioner as well as the respondents.

7. In the result, this Civil Revision Petition is allowed. No costs.

03.02.2026

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
kv

To

The Principal Subordinate Judge, Tiruppur.



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C.R.P.No.431 of 2026

P.B.BALAJI, J.

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C.R.P.No.431 of 2026

03.02.2026