



C.R.P.No.755 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.755 of 2026

S.Paapathy

... Petitioner

Vs.

1. C.Kailasanathan
2. K.Karthikeyan
3. K.Selvi
4. M/s.Indian Overseas Bank,
Represented by its Branch Manager,
Park Square Branch,
Avinashi Road, Near VOC Ground,
Uppilipalayam,
Coimbatore – 641 018.
5. M/s. South Indian Bank,
Represented by its Branch Manager,
Rathinasabapathypuram Branch,
Rathinasabapathypuram,
Coimbatore – 641 002.
6. M/s. State Bank of India,
Represented by its Branch Manager,
MICRO Finance Branch,
No.287, Sathy Maini Road,
2nd Street Corner,
Coimbatore – 641 012.

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7. R.Sundaram

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Principal District and Sessions Judge, Erode to entertain and admit the plaint in O.S.CFR No.18794 of 2025 and register the same.

For Petitioner : Mr.R.Prabakar

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District and Sessions Judge, Erode, to entertain and admit the plaint in O.S.CFR.No.18794 of 2025 and to number the same.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.The revision petitioner is the plaintiff in O.S.CFR.No.18794 of 2025. The petitioner is aggrieved by the repeated returns of the plaint, despite compliances having been effected by the learned counsel for the plaintiff before the learned Principal District and Sessions Judge, Erode.

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4. The learned counsel for the petitioner invited the attention of this Court to the reliefs sought for in the suit and submitted that the plaintiff is a bona fide purchaser, as early as in the year 2005 and has instituted the suit to nullify the subsequent transactions alleged to have been effected behind the back of the petitioner. He would further submit that the suit is a comprehensive one and the reliefs sought for are very well maintainable before the Civil Court.

5.The learned counsel further invited the attention of this Court to the compliances made by the petitioner and submitted that the Court has jurisdiction to entertain the suit and all the reliefs prayed for in the plaint. He therefore prayed for issuance of a direction to the learned Principal District and Sessions Judge, Erode, to number the plaint, if it is otherwise in order, without insisting upon the compliance of the return directing the plaintiff/petitioner to approach the Court which passed the order of attachment insofar as relief (g) is concerned.

6.This Court, in the judgment in *Selvaraj Vs. Koodankulam Nuclear Power Plant India Ltd.*, reported in (2021) 4 CTC 539, has laid

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down the guidelines to be followed by Courts at the stage of institution of
plaints, wherein it has been held that at the time of numbering of the
plaint, the Court performs only a ministerial function and not a judicial
function. If the plaint is otherwise in order, the Court is bound to number
the same, and the practice of repeated returning of the plaint on the very
same grounds have been deprecated.

7.In the light of the above, this Court is inclined to entertain the
present Civil Revision Petition. Accordingly, the same is allowed with the
following directions:-

(i) The Registry is directed to return the original plaint in
O.S.CFR.No.18794 of 2025 to the learned counsel for the petitioner, after
obtaining due acknowledgement.

(ii) The petitioner shall represent the plaint within a period of two
weeks from the date of receipt of the original plaint and a copy of this
order, whichever is later, before the learned Principal District and
Sessions Judge, Erode.

(iii) On such representation, the learned Principal District and
Sessions Judge, Erode, shall number the suit, if it is otherwise in order,



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and proceed in accordance with law.

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(iv) This order shall not preclude any of the defendants from invoking the provisions of Order VII Rule 11 of CPC and seeking rejection of the plaint, if so advised.

(v) There shall be no order as to costs.

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

1. The Principal District and Sessions Judge, Erode.
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Represented by its Branch Manager,
Park Square Branch,
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P.B.BALAJI, J.

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