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A.No.914 of 2026
in C.S.(Comm.Div)No.307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.914 of 2026
in C.S. (Comm.Div.) No.307 of 2025

Mr.Vikas Mandoth,
KLP Abhinandan, F-1701,
No.1, Strahans Road, Pattalam,
Perambur Barracks Road,
Chennai, Tamil Nadu 600 012
India.

.. Applicant/Defendant

VS

1.M/s.Shanghai Huanqiu Lock Making Company Ltd.,
Xiaodong Street, Loutang Town, Jiading District,
Shanghai, China
represented by its Authorised Representative
Mr.Vikram Kumar
Having Office at No.8, Reddy Raman Street,
4th Floor, Sowcarpet, Chennai – 600 079
Tamil Nadu, India.

2.Mr.Valaram
Proprietor of M/s.Prince Impex,
No.33, Reddy Raman Street,
Sowcarpet, Chennai – 600 079.
Tamil Nadu, India.

.. Respondents/Plaintiffs



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Prayer : Application is filed under Order XIV Rule 8 of the OS Rules Read With Order VII Rule 11(d) of the Code of Civil Procedure, 1908 to reject the plaint in C.S.(Comm.Div)No.307 of 2025.

For Applicant : Mr.Jayesh Kumar Daga A

For Respondents : Mr.Ramesh Ganapathy

ORDER

The first plaintiff is a company incorporated in China. The suit has been instituted through an authorised representative, Mr.Vikram Kumar. One of the documents filed along with the plaint is letter of authorisation dated 01.11.2025.

2. The defendant has applied for rejection of plaint under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (the CPC).

3. Learned counsel for the defendant asserts that the suit is barred by law in view of the first plaintiff not being duly authorised by a resolution of the board of directors. In support of this contention, he relies upon the following judgments:



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(i) *New Shelter Enterprises and others v. Meenakshi and others*,
MANU/MH/1542/2017 (*New Shelter Enterprises*);

(ii) *Indian Commerce and Industries Private Limited v. Swadharma Swarajya Sangha*, MANU/TN/1008/1994 (*Indian Commerce and Industries*);

(iii) *State Bank of Travancore v. Kingston Computers (I) P. Ltd.*,
MANU/SC/0280/2011 (*State Bank of Travancore*);

(iv) *Schmenger GMBH and Company Leder v. Saddler Shoes Private Limited*, MANU/TN/3885/2010 (*Schmenger*);

4. In response, learned counsel for the plaintiffs submits that the first plaintiff submitted a letter of authorisation. After contending that any defect relating to such letter of authorisation is curable, he relied on the judgment of the Supreme Court in *United Bank of India v. Naresh Kumar and others*, (1996) 6 SCC 660 (*Naresh Kumar*). Learned counsel for the defendant pointed out that *Naresh Kumar* dealt with Order XXIX Rule 1 of the CPC and not with the authority to institute an action, and that this was clarified in *Schmenger*.

5. Order VII Rule 11(d) of the CPC reads as under:

“11. *Rejection of plaint— The plaint shall be*



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rejected in the following cases

.. ..

.. ..

*(d) Where the suit appears from the statement in
the plaint to be barred by any law. ”*

As is evident from the text of clause (d), a plaint may be rejected under this clause if the suit appears from a statement in the plaint to be barred by any law. In the plaint, the plaintiff asserts that the institution of the suit on behalf of the first plaintiff is through its authorised representative, Mr. Vikram Kumar. This assertion is supported by a letter of authorisation (plaint document no.6). Assuming such letter of authorisation does not fulfil the requirements of applicable law, the defect is curable or ratifiable. On the basis of an assertion that the first plaintiff had not duly authorised the institution of the suit through Mr. Vikram Kumar, it cannot be concluded that the suit is barred by any law.

6. As regards judgments cited by learned counsel for the defendant, the judgment of the Supreme Court in *State Bank of Travancore* arose out of an appeal from a judgment and decree in which maintainability was raised as an issue. Similarly, the judgment of this Court in *Indian*



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Commerce and Industries arose out of an ejectment suit. Put differently, these were conclusions drawn in course of final disposal to the effect that the respective suit had not been instituted with due authority. Only the order of the Bombay High Court in *New Shelter Enterprises* was issued in an application for rejection of plaint. Merely on the ground that a board resolution was not referred to in the plaint, the plaint came to be rejected by that order. Given the scope of Order VII Rule 11(d), I am unable to endorse the conclusion reached by the Bombay High Court.

7. For reasons aforesaid, this application for rejection of plaint is dismissed without any order as to costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY,J.

Kj

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