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C.R.P.No.3151 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.3151 of 2026

and

C.M.P.No.13766 of 2026

V.Nandakumar

... Petitioner

Vs.

1.Om Jayaraman

2.J.Nagarajan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the docketal order dated 26.03.2026 passed in I.A.(SR).No.23063 of 2026 in O.S.No.725 of 2026 passed by the XIX Additional City Civil Court, Chennai.

For Petitioner : Mr.S.Sivaraman

For Respondents : Notice dispensed with

ORDER

This Civil Revision Petition has been filed challenging the impugned docket order, dated 26.03.2026 passed in I.A.(SR).No.23063 of



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2026 in O.S.No.725 of 2026 on the file of the XIX Additional City Civil
Court, Chennai.

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2. Since no adverse order is passed against the respondents in this revision, notice to the respondents is dispensed with by this Court.

3. Under the impugned order, the trial court has returned the petition filed by the petitioner in I.A.(SR).No.23063 of 2026 in O.S.No.725 of 2026 under Order VII Rule 11 CPC seeking rejection of plaint by assigning the following reasons :-

“Petitioner/Defendant not present and not furnished security. Hence, returned.”

4. Admittedly, the impugned order is not a speaking order. The reason given by the trial court through the docket order may not also be a correct reason. Necessarily, the petitioner will have to be heard by the trial court before passing the final order with regard to the maintainability of the petition filed under Order VII Rule 11 CPC seeking rejection of plaint.



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5. Since the impugned docket order is not a speaking order and since no opportunity of hearing was granted to the petitioner, this Court, quashes the impugned docket order dated 26.03.2026 passed in I.A. (SR).No.23063 of 2026 in O.S.No.725 of 2026 on the file of the XIX Additional City Civil Court, Chennai. The petitioner is directed to re-present the petition filed under Order VII Rule 11 CPC in I.A.(SR). No.23063 of 2026 in O.S.No.725 of 2026 before the trial court, within a period of one (1) week from the date of receipt of a copy of this order. On re-presentation of the same, the trial court is directed to list the same for maintainability on a specified date, after giving notice to the petitioner's counsel and on that specified date, the petitioner's counsel is directed to make his submissions with regard to the maintainability of the said application. If the trial court finds the said application maintainable, the trial court is directed to number the said application, if it is otherwise in order and if the said application is found not maintainable, the trial court is directed to pass a speaking order after giving due consideration to the contentions of the petitioner. The aforesaid exercise shall be completed by the trial court, within a period of two (2) weeks from the date of re-presentation of the said application by the petitioner.



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6. Registry is directed to return the original application in I.A. (SR).No.23063 of 2026 in O.S.No.725 of 2026 to the learned counsel for the petitioner, enabling him to re-present the same before the trial court.

7. With the aforesaid directions, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

09.06.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp



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To
The XIX Additional City Civil Court,
Chennai.



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ABDUL QUDDHOSE, J.

sp

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