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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6866 of 2026

CNR:{HCMA012081152026}

AND

CMP NO. 29492 OF 2026

Case QR

V. Shree Kumar
S/o.A.Vasudevan,
Proprietor,
M/s.Shree Swarnalaya Rotary,
Printing and Dyeing,
D No.1, Shree Swarnalaya Illam,
Century Foundation School Road,
Rakkiyapalayam, Kangayam Road,
Tiruppur 4

..Petitioner(s)

Vs

S. Chitra Devi
W/o.P.Saravanakumar,
Proprietor, Mars Colors,
Erode,
Door No.45/14, Vivekananda Salai,
Vettukattuvalasu,
Erode.

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 16.03.2026 passed in IA No.2/2026 in COS NO.26/2025 on the file of the learned Principal Sub Judge, Erode District, by allowing this CRP

For Petitioner(s): Mr.S.KOUSIK
for Mr. V.Anandhamoorthy

For Respondent(s): M/s. R.Ganesh

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Order

This Civil Revision Petition has been filed under Section 115 of CPC challenging the fair and decretal order passed in IA No.2 of 2026 in COS NO.26 of 2025 on the file of the learned Principal Sub Judge, Erode District, wherein the application filed by the petitioner /defendant under Order VII Rule 11 of CPC seeking for rejection of plaint came to be dismissed by the Court below.

2. Heard both sides and carefully perused the materials available on record as well as the order passed by the Court below.

3. The respondent / plaintiff filed a commercial suit in COS No.26 of 2025 before the Principal Sub Court, Erode, seeking for recovery of money.

4. The petitioner /defendant filed IA No.2 of 2026 seeking for rejection of plaint mainly on the ground that the mandatory requirement under Section of the 12A of the Commercial Courts Act which contemplates pre-institution mediation, had not been complied with and therefore, the suit itself was not maintainable.

5. The Court below dismissed the application on the ground that the

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plaintiff along with the suit had also filed IA No.1 of 2025, seeking attachment of property before judgement on the ground that attempts are being made to alienate the properties and thereby, deprive the plaintiff the fruits of the decree and therefore, the plaintiff had infact expressed the urgency warranting the dispensing with the mandatory pre-institution mediation contemplated under Section 12A of the Commercial Courts Act. Aggrieved by the said order, the present Civil Revision Petition has been filed before this Court.

6. The Court below has properly appreciated the grounds raised by the petitioner and has also relied upon the order passed by this Court in CRP PD No.3734 of 2024 dated 13.09.2024 wherein this Court held that where the documents filed along with the plaint and the facts of the case disclose some urgency in the matter, the Commercial Court can relax the rule and take the suit on file.

7. In the case in hand, the urgency was expressed by the plaintiff by filing IA No1 of 2025 seeking for attachment before attachment and it is brought to the notice of this Court that the order of attachment was also passed by the Court below. It is also brought to the notice of this Court that the suit is now at the stage of cross examination of witnesses on the side of the plaintiff.

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N.ANAND VENKATESH J.

RKA

8. In the light of the above discussion, the order passed by the Court below does not suffer from any perversity warranting the interference of this Court. Accordingly, the order passed by the Court below is sustained and this Civil Revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03-11-2026

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

RKA
To,
The Principal Sub Judge, Erode District.

CRP No. 6866 of 2026
AND
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