



WEB COPY

CRP No. 5498 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5498 of 2025

AND

CMP NO. 27648 OF 2025

S. Santhosh Kumar
S/o Suresh,
No.10, Annal Gandhi Street, Vetri Nagar,
Chennai - 082.

..Petitioner(s)

Vs

V. Poornachandran
S/o. Vinayagamoorthis,
No.2/29, Dhasanamoorthis Street, Vetri Nagar,
Chennai - 082.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order passed in IA No.2 of 2025 in OS No.2283 of 2024 dated 18.07.2025 on the file of the XII Assistant Judge, City Civil Court, Chennai.

For Petitioner(s): Mr.N.Beulah John Selvaraj

For Respondent(s): Mr. T. Suresh

ORDER

Challenging the impugned order passed in I.A.No.2 of 2025 in O.S.No.2283 of 2024 by the learned XII Assistant Judge, City Civil Court, Chennai, the Revision Petitioner/defendant preferred this Civil Revision Petition.



2. Before the trial court, the Revision Petitioner/defendant filed an application under Order VII Rule 11 of C.P.C to reject the plaint stating that the alleged partnership claimed by the plaintiff as such is erroneous. Based on that, the suit as such is not maintainable. He had also contended that there is no cause of action arose for filing the suit. But, the court below failed to consider the same and erroneously dismissed the application. Aggrieved over that, he preferred this Civil Revision Petition.

3. The learned counsel for revision petitioner/defendant would submit that the trial judge failed to take note of the fact that the alleged partnership firm was unregistered one and their transaction was not properly explained. He would submit that there is no cause of action arose for filing the suit and the trial judge also failed to appreciate Sec.69 of Indian Partnership Act, which prescribes that there is a specific bar to file a suit by a partner against a partner or against a firm, without which, the suit was filed. Hence, he filed the application to reject the plaint, but it was not properly appreciated. Therefore, he prayed to set aside the findings of trial judge.

4. The learned counsel for respondent would submit that the suit was filed for the relief of recovery of money against the defendant and there is oral terms between the parties. Based on that, there was a transaction between them. Hence, the suit filed by the respondent/plaintiff as such is not maintainable and prayed to dismiss this Civil Revision Petition.



5. Heard and considered rival submissions made on either side and perused the materials available on record.

6. Admittedly, the respondent/plaintiff filed a suit stating that there was oral terms between the parties and it does not disclose specifically with regard to partnership firm. Hence, the plaint averment alone is to be taken into consideration to reject the plaint. Considering that and on perusal of records, the fact reveals that there was oral terms between the parties, based on which, there were various transactions between them. Therefore, the reasons assigned by the revision petitioner/defendant to reject the plaint as if there is no cause of action arose for filing the suit is not maintainable. To that effect, the order passed by the trial judge requires no interference. Accordingly, this Civil Revision Petition is dismissed. Liberty is granted to the revision petitioner/defendant to take take all his defence before the trial court by filing written statement. No costs. Consequently, connected civil miscellaneous petition is closed.

27-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The XII Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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