



CRP.No.6660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 6660 of 2025

1. Sri Sendhur Traders
Rep. by its Proprietor, T.Arulselvi,
W/O. Thangaraj, No. A-1-11, Mullai
Nagar, Moganur Road, Namakkal
Town, Namakkal Taluk and District.
2. Sri Nandhini
D/o. Thangaraj No.A1-11, Mullai
Nagar Moganur Road, Namakkal Town
Namakkal Taluk and Dist.
3. Sriram Prajin
S/o. Thangaraj No.A1-11, Mullai
Nagar Moganur Road, Namakkal Town
Namakkal Taluk and Dist.

Petitioner(s)

Vs

1. M/s. SREE ROYAL TRADERS
Rep. by its Proprietor, Selvaraj,
S/o.Ramanathan, No.1/11, behind fir
service station, Periyapatti Road,
Namakkal Town, Taluk and District.

Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Judgment dated 11.11.2025 made in I.A No. 5 of 2024 in C.O.S No. 7 of 2024 on the file of the Principal District Judge, Namakkal by allowing the civil revision petition.

For Petitioner(s): Mr. V.Elangovan

ORDER

This Civil Revision Petition is filed , challenging the order passed by the Trial Court, dismissing the application filed by the petitioner under Order 7 Rule 11 of CPC.

2. The respondent herein/plaintiff filed a commercial suit in COS No.7 of 2024 seeking recovery of money against the petitioners/defendants and also for declaration that the settlement deed executed by the first defendant dated 03.12.2021 and 31.07.2023 in favour of the 2nd and 3rd defendants respectively were not binding on the plaintiff and also for permanent injunction restraining the defendants 2 and 3 from alienating the item No.1 and 2 of the suit schedule properties to the third parties.



3. The petitioners/defendants filed the instant application seeking rejection of plaint on the ground that the respondent/plaintiff did not satisfy the mandatory provisions under Section 12-A of the Commercial Courts Act. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this court.

4. The learned counsel for the petitioners, drawing the attention of this court to Section 12-A of the Commercial Courts Act, submitted that the respondent/ plaintiff filed the instant suit for recovery of money, without undergoing pre-litigation mediation and therefore, the suit is barred by Section 12-A of the Commercial Courts Act.

5. Section 12-A of the Commercial Courts Act reads as follows.

12-A Pre- Institution Mediation and Settlement :

(1) A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-litigation mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.



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(2) The Central Government may, by notification, authorise the Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987), for the purpose of pre-institution mediation.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorised by the Central Government under Sub section(2) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section(1):

Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:

Provided further that, the period during which the parties remained occupied with pre-institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963 (36 of 1963).

(4) If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.

(5) The settlement arrived at under this section shall have the same status and effect as it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act 1996 (26 of 1996).



6. A perusal of the above provision makes it clear that the pre-litigation mediation shall be completed before institution of suit in cases, where the suit does not contemplate any urgent interim relief. In the case on hand, the respondent/plaintiff filed an application in I.A.No.2 of 2024 along with plaint seeking interim injunction restraining the petitioners/defendants from alienating or encumbering the suit properties. In paragraph No.13 of the plaint, the respondent/plaintiff also stated that the defendants 2 and 3, in whose favour the 1st defendant settled the property, were attempting to alienate the properties to the third parties. Subsequently, the respondent/plaintiff also filed an application in I.A.No.7 of 2025, seeking attachment before judgment of the immovable properties of the defendants. Since the petitioners/defendants attempted to alienate the properties, the respondent/plaintiff sought for urgent interim relief. Therefore, we cannot find fault with the respondent/plaintiff for their failure to undergo pre-litigation medication process, before filing the suit. In view of the express wording in the section, when urgent relief is sought for along with plaint, Section 12-A of the Commercial Courts of Act cannot be invoked for rejection of plaint. The Trial Court rightly appreciated the above position and dismissed the instant application and I do not find any error to interfere with the same.



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7. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

05.01.2026

Internet : Yes

Index : Yes / No

Neutral Citation: Yes/No

MST

To

The Principal District Judge, Namakkal.



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