



CRP(MD). No.134 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.134 of 2026

Union Bank of India,
represented by its Branch Manager,
K.Paramathi Branch,
Having office at No.2/565,
Coimbatore Trichy Road,
K.Paramathi, Pugaloor Taluk,
Karur District.

... Petitioner

Vs

1. P.Devaraj

2. Palanisamy

3. S.Sathiabama

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to direct the trial Court to number the petition in I.A.SR.No.4614 of 2025 in O.S.No.162 of 2020 on the file of the Principal District Court, Karur and adjudicate the same on merits and allow the present Civil Revision Petition.

For Petitioner : Mr.V.Balaji



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ORDER

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This Civil Revision Petition has been filed to direct the trial Court to number the petition in I.A.SR.No.4614 of 2025 in O.S.No.162 of 2020 on the file of the Principal District Court, Karur and adjudicate the same on merits.

2. The learned counsel appearing for the revision petitioner submitted that the trial court has made an endorsement and returned the plaint on 18.07.2025 stating that:

The Plaintiff's Bank files the suit on Mortgage and the suit claim is Rs. 13.40,609/- and the Preliminary Exparte decree is passed on 30.04.2021. After that the Plaintiff files Petition U/Or 34 Ru 5 of cpc to Pass a Final Decree in terms of Preliminary decree.

The Recovery of Debtors and Bank Transaction Act Section 1 (4) reads as follows "shall not apply where the amount of debt due to any bank or financial institution or to a consortium of banks or financial institutions is less than ten lakh rupees or such other amount being not less than one lakh rupees, as the Central Government may, by notification, specify the bank cannot file a case in the Debt Recovery Tribunal (DRT) under the DRT Act"



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(ii) Further Section 18 of The Recovery of Debtors and Bank Transaction Act Bars the Jurisdiction of other civil courts.

(iii) Section 34 of the SARFAESI Act, 2002, bars the jurisdiction of civil courts.

Hence How this petition is maintainable?

Time-1 month.

On 21.08.2025, the learned counsel for the petitioner has made the following endorment:

“It is submitted thas as per Government of India press, Notification Dated 11.07.2019 in So.2478(E) (enhancing the jurisdiction of Rs.20,00,000/-) is publish in the Gazatte of India, Extraordinary Part II – Sec 3(ii). The said Gazatte is submitted for perusal of this Hon'ble Court.

Represented for favour of orders.”

again on 22.08.2025 and 13.10.2025, the trial Court has made endorsements and returned the application stating that *“Previous return stands hold good. Hence, returned. Time one month.”*

challenging the said returns, the present revision petition has been filed.



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2. It is necessary to rely upon the judgment of the Hon'ble Supreme Court in Civil Appeal No.1876 of 2016 in *Central Bank of India and Another Vs. Smt. Prabha Jain and Others*, wherein it has been held that when several questions arise for consideration in a suit, even if one of the reliefs sought is barred, the civil Court would still have jurisdiction to entertain the suit insofar as the other reliefs fall within its jurisdiction.

3. In the said judgment, the Hon'ble Supreme Court has also considered Section 34 of the SARFAESI Act and held that the jurisdiction of the civil Court is not completely ousted, particularly in cases where the pecuniary jurisdiction involved is less than Rs. 20,00,000/-.

4. In view of the above settled position of law, the trial Court is directed to number the interlocutory application, if it is otherwise in order and proceed further in accordance with law.



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WEB COPY 5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

22.01.2026

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Note : Registry is directed to return the original application to the learned counsel for the petitioner, after getting an endorsement.

To

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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