



CRP(MD). No.3835 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3835 of 2025
and
CMP(MD) No.20204 of 2025**

Dakshnamoorthy

... Petitioner

Vs

1.P.Vijayaraghavan

2.Padmavathi

3.Pavithra

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 27-10-2025 passed in I.A.No.02 of 2025 in O.S.No.122 of 2025 on the file of the Principal District Judge at Theni.

For Petitioner : Mr.M.Karthick



CRP(MD). No.3835 of 2025

WEB COPY

ORDER

This Civil Revision Petition has been filed challenging the order made in I.A.No.2 of 2025 in O.S.No.122 of 2025, dated 27.10.2025, on the file of the Principal District Court, Theni.

2.The first respondent/plaintiff has filed a suit in O.S.No.122 of 2025 for recovery of Rs.67,67,200/- along with interest at the rate of 18% per annum and for other reliefs. Pending suit, the petitioner/third defendant filed an interlocutory application in I.A.No.2 of 2025 under Order 7 Rule 11(d) CPC r/w Order 7 Rule 10 and Section 151 CPC, to reject the plaint on the ground that no cause of action arose within the territorial jurisdiction of the Court below. The said application was dismissed, vide order dated 27.10.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds of Revision. It is the main contention of the learned counsel for the petitioner that no cause of action had arisen within the territorial jurisdiction of the Court below and



CRP(MD). No.3835 of 2025

the jurisdiction cannot be conferred by consent or waiver, when the pleadings and documents show otherwise. Hence, he prays for appropriate orders.

4. Heard the learned counsel for the petitioner. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with. Records perused.

5. It is settled that the question of jurisdiction is a mixed question of facts and law and it can be considered along with other issues and a decision can be arrived at the time of delivering the judgment. A perusal of the impugned order would reveal that the trial Court relying on various judgments had arrived at a finding that factual disputes have been raised by the petitioner, which cannot be adjudicated on the basis of the documents filed by the first respondent/plaintiff and the same has to be adjudicated only during the course of trial and had rightly dismissed the application by giving cogent and valid reasons. In such circumstances, there is no illegality or irregularity warranting interference by this Court with the order impugned herein.



CRP(MD). No.3835 of 2025

WEB COPY

6.In fine, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No

05.01.2026

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

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To

The Principal District Judge at Theni.



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CRP(MD). No.3835 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.3835 of 2025

05.01.2026