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CRP.No.2843 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2843 of 2023
and
CMP.No.17645 of 2023**

Thilagam

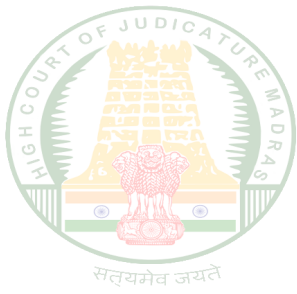
... Petitioner

Vs.

1. S.D.Senthil Kumar
2. Field General Manager,
Office of FGM, Indian Bank,
No.45, Ethiraj Salai, Chennai - 8.
3. Zonal Manager,
Indian Bank Zonal Office,
No.46-51, Katpadi Road,
3rd Floor, TMK Complex,
Vellore - 632 004.
4. The Manager,
Indian Bank,
No.127, Sholinghur Road,
Arakkonam - 1.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 22.09.2022 made in I.A.No.3 of 2021 in O.S.No.2044 of 2020 on the file of the learned III Assistant City Civil Court at Chennai, II Assistant Judge, FAC/III Assistant Court.



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For Petitioner : M/s.Jeremiah Gregory John
For Respondents : Mrs.Bhargavi Sundarrajan
for Mr.T.Sundarrajan for R4
: R1 to R3-no appearance

ORDER

The Civil Revision Petition is filed to set aside the order dated 22.09.2022 made in I.A.No.3 of 2021 in O.S.No.2044 of 2020 on the file of the learned III Assistant City Civil Court at Chennai, II Assistant Judge, FAC/III Assistant Court.

2. The revision petition is filed at the instance of the fourth defendant, who sought for rejection of plaint under Order 7 Rule 11 of CPC in I.A.No.3 of 2021. The ground on which the rejection was sought for is that the City Civil Court, Chennai has no jurisdiction to entertain the suit.

3. Learned Counsel for the petitioner would take me through the array of defendants as well as cause of action and the reliefs sought for in the suit and would point out that the entire cause of action is only within the jurisdiction of Arakkonam, which is outside the jurisdiction of City Civil Court, Chennai and no part of cause of action arose within the jurisdiction of this Court, in order for the Court to entertain the suit for the reliefs that were



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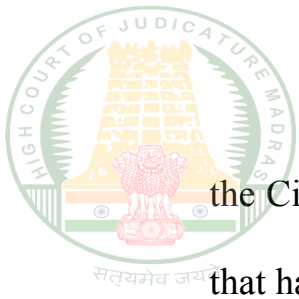
prayed. He would also point out that excepting the first defendant, all the other defendants are situate and carrying on business only at Arakkonam and further no relief has been sought for as against first defendant. Therefore, it is contended that the City Civil Court, Chennai ought to have allowed the application.

4. Learned Counsel for the Bank / the third defendant in the suit would also state that even in their written statement they have particularly challenged the jurisdiction of the Court, on the ground that the City Civil Court, Chennai lacks jurisdiction and on that ground, the suit was sought to be dismissed.

5. The contesting first respondent despite service of notice has not chosen to appear either in person or through Counsel.

6. I have carefully considered the submissions made on either side.

7. Learned Counsel for the revision petitioner would submit that



the City Civil Court, Chennai has no jurisdiction to try the suit for the reliefs that have been prayed for in O.S.No.2044 of 2020.

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8. I have gone through the order of the trial Court. The trial Court has not addressed the question of jurisdiction in a judicious manner and only proceeded to hold that the plaintiff has a case on merits and therefore, parties will have to be given an opportunity to contest the suit and the plaint cannot be rejected. Unfortunately, the trial Court failed to see that even though the plaint need not be rejected under Order 7 Rule 11 of CPC., the Court on being brought to its notice that the Court has no territorial jurisdiction to entertain the suit, should have invoked its powers under Order 7 Rule 10 of CPC and returned the plaint to be presented before the competent Court.

9. Admittedly, even from a reading of the plaint, it is clear that the City Civil Court, Chennai lacks jurisdiction to entertain and try the suit, in the light of reliefs sought for by the plaintiff, on the cause of action, on which the suit has been filed. The proper course of action for the plaintiff would be to approach the competent Court at Arakkonam and not the City Civil Court, Chennai. Under Order 7 Rule 10 of C.P.C., the Court has powers to return the



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suit and in the instant case, at least when it was brought to the notice of the trial Court that the Court did not have competency to try the suit, the Court ought to have exercised such power available under Order 7 Rule 10 of CPC. No doubt, the Court is right in dismissing the application for rejecting the plaint. However, the Court should have suo moto transferred the suit by returning the plaint to be presented before the competent Court.

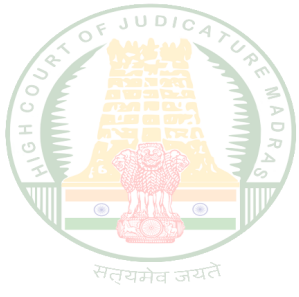
10. In view of the above, I am inclined to set aside the order dated 22.09.2022 made in I.A.No.3 of 2021 in O.S.No.2044 of 2020 on the file of the learned III Assistant City Civil Court, Chennai. However the application is one for rejection of plaint which cannot be ordered, in view of the above discussion and the plaint is directed to be returned, to be presented before the appropriate Court having territorial jurisdiction.

In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
veda
To
III Assistant City Civil Court, Chennai.

P.B.BALAJI, J.



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