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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.3344 of 2022
& CMP.No.17723 of 2022

State Bank Of India
Rep.by its Branch Manager,
having branch at 143,
Venkadasamy Road,
West R.S.Puram Branch,
Coimbatore-2

now transferred to
the Stressed Assets Recovery
Branch, Dr.Nanjappa Road,
Behind N.S.Palaniappan Nursing
Home, Coimbatore-641018.

...Petitioner

Vs

1. Minor P.Chakravarthy
S/o.Mr.Prabakaran,
Rep.by paternal grandmother,
Mrs.Leelavathy,
W/o.Mr.V.Pather Vellai,
No.21, West Ponnagaram,
8th Street, Madurai-625010.
2. Mr.Prabakaran
S/o.Mr.V.Pather Vellai,
No.13, Jewel House,
No.17, Karthik Nagar,



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Sowaripalayam Main Road,
Coimbatore 641028.

3. Mrs.Suganthi
W/o. Prabakaran No.J-3,
Jewel House, No.17,
Karthik Nagar,
Sowaripalayam Main Road,
Coimbatore 641028.

...Respondents

PETITION under Article 227 of The Constitution of India
against the fair and decretal order dated 21.7.2022 passed in I.A.
No.4 of 2019 in O.S.No.296 of 2019 on the file of the Third
Additional District Court, Coimbatore.

For Petitioner:

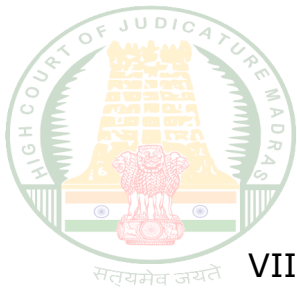
Mr.M.L.Ganesh

For Respondents:

Served & No appearance

ORDER

This civil revision petition has been filed under Article 227 of
The Constitution of India as against the order dated 21.7.2022
passed in I.A.No.4 of 2019 in O.S.No.296 of 2019 on the file of the
Third Additional District Court, Coimbatore (for short, the Court
below) wherein the application filed by the petitioner under Order



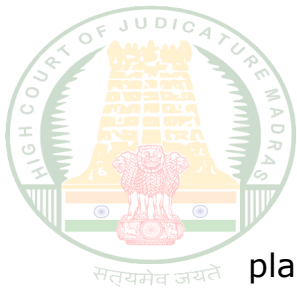
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VII Rule 11 of the Civil Procedure Code (CPC) to reject the plaint came to be dismissed.

2. Heard the learned counsel for the petitioner. Though the respondents were served with notice and their names printed in the cause list, they have not chosen to appear either in person or through counsel.

3. This Court has carefully considered the submissions of the learned counsel for the petitioner and perused the materials available on record and more particularly the impugned order.

4. The first respondent is the plaintiff in the said suit. The said suit has been filed seeking for the relief of partition and for allotment of 1/4th share to the plaintiff, to declare that the mortgage created in favour of the petitioner by the first defendant will not bind the plaintiff in so far as the 1/6th share in the suit properties is concerned and for permanent injunction restraining the defendants from encumbering or alienating the suit properties either by bringing the same for sale or otherwise in respect of the



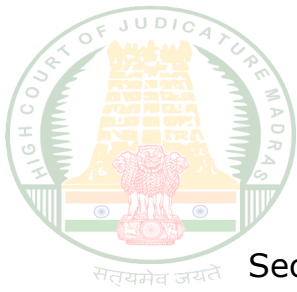
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plaintiff's share over the suit properties. The petitioner herein has been arrayed as the third defendant in the said suit.

5. In the said suit, the petitioner herein filed an application under Order VII Rule 11 of the CPC seeking for rejection of the plaint on the ground that the petitioner bank had already instituted recovery proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act) against defendants 1 and 2, who are the directors of the company and who had availed credit facilities from the petitioner bank.

6. S.A.Nos.152 of 2015 and 162 of 2019 also came to be filed by the company – M/s.Chakravarthy Technologies Private Limited represented by its Managing Director Mrs.P.Suganthi & others before the Debts Recovery Tribunal (DRT), Coimbatore and the same were pending at the relevant point of time.

7. Therefore, the petitioner took a very specific stand that the suit itself was barred under Section 34 of the SARFAESI Act and



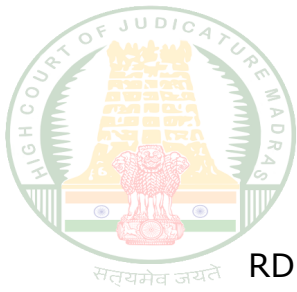
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Section 18 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (for short, the RDDB & FI Act) and accordingly sought for rejection of the plaint.

8. The Court below, by the impugned order dated 21.7.2022, dismissed the application filed under Order VII Rule 11 of the CPC on the ground that the suit has been filed seeking for the relief of partition and for allotment of the share to the plaintiff and that such a suit is not barred under Section 34 of the SARFAESI Act. Aggrieved by this order, the above civil revision petition has been filed before this Court.

9. When the matter is taken up for hearing today, the learned counsel for the petitioner has brought to the notice of this Court that S.A.Nos.152 of 2015 and 162 of 2019 came to be dismissed for non prosecution respectively on 30.6.2026 and 19.11.2025.

10. In the case in hand, already proceedings were initiated under the SARFAESI Act and there is a specific bar in maintaining the suit under Section 34 of the SARFAESI Act and Section 18 of the



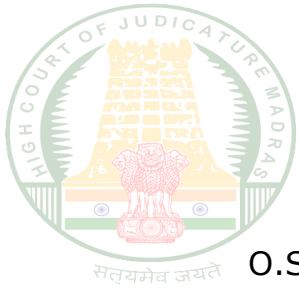
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RDDDB & FI Act. The abuse of process of law is manifest for the simple reason that respondents 2 and 3 herein already challenged the possession notice and the sale notice by filing S.A.Nos.152 of 2015 and 162 of 2019 and that they were dismissed for non prosecution on 30.6.2026 and 19.11.2025 respectively.

11. When they were not able to get interim orders before the DRT, Coimbatore, the vexatious suit came to be filed before the Court below by the first respondent herein. Surprisingly, apart from seeking for the relief of partition, indirectly, the mortgage executed in favour of the petitioner has also been challenged. There is clearly a bar in maintaining the said suit and the Court below has not properly appreciated the settled position of law.

12. This Court holds that the said suit filed by the first respondent herein in O.S.No.296 of 2019 is barred by law. Consequently, the plaint is liable to be rejected.

13. In the result, the above civil revision petition is allowed, the fair and decretal order dated 21.7.2022 in I.A.No.4 of 2019 in



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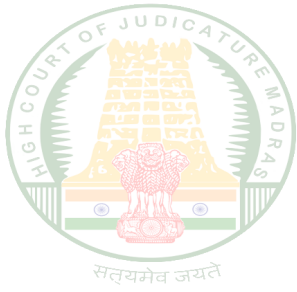
O.S.No.296 of 2019 on the file of the Court below is hereby set aside and I.A.No.4 of 2019 filed for rejection of the plaint is allowed.

The plaint in O.S.No.296 of 2019 on the file of the Court below is rejected. Consequently, the connected CMP is closed.

17-08-2026

To
The Third Additional District
Court, Coimbatore.

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Case Citation: (2026) ibclaw.in 4795 HC



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N.ANAND VENKATESH,J

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