



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. NATARAJAN

TUESDAY, THE 12<sup>TH</sup> DAY OF AUGUST 2025 / 21ST SRAVANA, 1947

OP(C) NO. 1983 OF 2025

AGAINST THE ORDER/JUDGMENT DATED 02.08.2025 IN UNNUMBERED O.S

NO. OF 2025 OF PRINCIPAL MUNSIF COURT, CHERTHALA

PETITIONERS:

- 1 M/S PACE CFS PVT. LTD.  
A COMPANY LIMITED BY ITS SHARES, INCORPORATED AND  
REGISTERED UNDER THE COMPANIES ACT, 1956, HAVING  
REGISTERED OFFICE IN THE STATE OF KERALA AND PRESENT  
PLACE OF BUSINESS AT VI/5, OPP. PANCHAYATH SHOPPING  
COMPLEX , AROOR P.O., ALAPPUZHA, REPRESENTED BY ITS  
CHIEF EXECUTIVE OFFICER, MR. SANU SALAHUDEEN, AGED 33  
YEARS, S/O SALAHUDEEN, PIN - 688534
- 2 SANU SALAHUDEEN  
AGED 33 YEARS  
S/O SALAHUDEEN, CHIEF EXECUTIVE OFFICER, M/S PACE CFS  
PVT. LTD., OPP. PANCHAYATH SHOPPING COMPLEX, AROOR P.  
O., ALAPPUZHA, PIN - 688534

BY ADVS.  
SHRI.RAHUL KRISHNAN U.S.  
SHRI.KIRAN KRISHNA  
SHRI.SIDDIQUE SULAIMAN

RESPONDENTS:

- 1 R. GOPINATHAN NAIR  
AGED 78 YEARS  
S/O LATE E. K. RAMAN PILLAI, RESIDING AT SREE RANJINI,  
T.C NO. 24/288(1), TSGRA-154, SASTHANKOVIL ROAD,  
THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014
- 2 SREERAM G. NAIR  
AGED 33 YEARS



**S/O R. GOPINATHAN NAIR, RESIDING AT SREE RANJINI,  
T.C NO. 24/288(1), TSGRA-154, SASTHANKOVIL ROAD,  
THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014**

- 3 SREEDEVI G. NAIR  
AGED 28 YEARS  
D/O R. GOPINATHAN NAIR, RESIDING AT SREE RANJINI,  
T.C NO. 24/288(1), TSGRA-154, SASTHANKOVIL ROAD,  
THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014**
- 4 RAJAN PILLAI FOUNDATION (REGD.)  
NNC ESTATE, VADAKEVILLA P.O., KOLLAM REPRESENTED  
BY ITS MANAGING TRUSTEE T V RAJENDRAN NAIR, AGED  
72 YEARS, S/O VASU PILLAI, THODIYIL PUTHEN VEEDU,  
MYTHRI NAGAR 76, PATTATHANAM P.O., KOLLAM, PIN -  
691010**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON  
12.08.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**JUDGMENT**

(Dated this the 12<sup>th</sup> day of August, 2025)

The Original petition is filed by the petitioners for setting aside the order (Exhibit-P1) dated 02.08.2025 passed by the Principal Munsiff Court, Cherthala.

2. Heard the learned counsel for the petitioner.

3. Considering the facts and circumstance of the case, issue notice to the respondents is hereby dispensed with.

4. The case of the petitioner is that the petitioners filed suit against the respondents under Section 6 of the Specific Relief Act, 1963, as repossession of the suit scheduled property is said to be held by a tenant under the respondent No. 4, and the trial court, without registering the suit and assigning the number, returned the plaint even without following the procedure under Order VII Rule 10 of C.P.C., only on the ground of pecuniary jurisdiction and payment of court fees, which is not correct; hence, petition before this Court.

5. Considering the facts and circumstances of the case,



though the trial court passed an order for the return of the plaint, it is well settled that when a suit is filed, the court is required to assign the number and take up the case and verify the pleadings in respect of payment of court fees, jurisdiction, and law as required under Order VII Rule 11 of C.P.C. If all court fees are not paid or the suit is barred by jurisdiction or law, the court can return the plaint as per Order VII Rule 10A of C.P.C., but without assigning the number, without going to the pleadings of the case, and without issuing notice to the other side, jumping to the conclusion the suit is commercial in nature and the property values are crores is a presumption by the presiding officer without raising objection by the respondents/defendants in the court after service of summons. Therefore, the order under challenge is required to be set aside.

Accordingly, this original petition is allowed. The order dated 02.08.2025 filed by the Principal Munsiff's Court, Cherthala, is hereby set aside, and the court is directed to register the suit and assign the number, then issue notice to the



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respondents/defendants and later take up the matter regarding maintainability, and if the court finds the jurisdiction or barred by law, then return the plaint in accordance with the law.

Sd/-  
**K. NATARAJAN**  
**JUDGE**

vnk/-



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**APPENDIX OF OP(C) 1983/2025**

**PETITIONER EXHIBITS**

**Exhibit P1**

**THE ORIGINAL IMPUGNED ORDER DATED  
02.08.2025 IN REVERSE SIDE OF THE  
RETURNED PLAINT FILED BEFORE THE  
MUNSIFF'S COURT, CHERTHALA**