

IN THE PRINCIPAL COMMERCIAL COURT AT EGMORE, CHENNAI.

**Present : Tmt. Deepthi Arivunithi, M.L.,
Principal Judge**

Thursday, the 27th day of March, 2025.

C.O.S. SR. No. 450/2024

SHA RAJKUMAR PHOOLCHAND HUF,

And others

Rep. by its POA Holder

Mr.Ashok Kumar Changalal.

...Plaintiff

-Vs-

1. M/s. SERVTEK IT PRIVATE LIMITED,
Rep. by its Directors/Authorised Signatory,
2. Mr. Raju Ravichandran,
3. Mr. Arjun Ravichandran,
4. Mrs. R. Lalitha

...Defendant

This suit came before me for final hearing on 25.03.2025 in the presence of M/s. Srenik S. Jain, A.Vikash, S.Ragul, Deepa.P, the learned counsel for the plaintiff.

ORDER

Plaint filed under Order XXXVII Rule 1 and 2 C.P.C. read with Section 2(c) of the Commercial Courts Act, 2015 for recovery of a sum of Rs. 88,13,880/- (Rupees Eighty Eight Lakh Thirteen Thousand Eight Hundred and Eighty only) with further interests and costs.

2. The suit is pending numbering and this court raised query regarding the maintainability of the present suit pertaining to jurisdiction. Heard the plaintiff counsel.

3. The suit is filed based on loans given by the plaintiffs to the defendants 1 to 6 allegedly for business purposes and the suit is filed for recovery of the loan amount. Admittedly, the plaintiffs were not financiers within the meaning of Section 2(1)(c)(i) of the Commercial Courts Act, 2015 and there is no merchantile document involved

in the present case. Upon perusal of the plaint averments, it is seen that the plaint averments does not fall within any of limbs of Section 2(1)(c) of the Commercial Courts Act, 2015. Therefore, this court has no jurisdiction under Section 6 of the Commercial Courts Act, 2015 to deal with the present dispute.

In view of the above, this court is inclined to return the plaint in exercise of powers under Order VII Rule 10 C.P.C. to be presented before the appropriate forum.

Partly typed by me and partly dictated to Steno-typist, transcribed and typed by her, corrected and pronounced by me in the open Court this the 27th day of March, 2025.

**Principal Judge,
Principal Commercial Court,
Egmore, Chennai – 08.**

**Plaintiff side Documents : Nil
Defendant side Documents : Nil**

**Principal Judge,
Principal Commercial Court,
Egmore, Chennai – 08.**

Draft/Fair Order

C.O.S. SR. No. 450/2024

Dated: 27.03.2025

**Principal Commercial Court,
Egmore, Chennai – 8.**