

UPLOADED ON 01.06.2026

**IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI**

**Present: Thiru. S.GANAPATHISAMY, B.A.B.L.,
Principal Judge**

Dated this 1st day of June 2026, Monday
COS SR No. 354 of 2024

M/s. Punjab National Bank,
Velacherry Branch,
No.3, 3rd Main Road,
Dhandeeswaran Nagar,
Velacherry,
Chennai – 600 042.
Represented by its Senior Manager

Plaintiff

-Versus-

Mr. M. Saravanan,
S/o Mr. Muthukrishnan,
No.2/12, Plot No.35,
Easwaran Nagar,
Pammadukulam
Thiruvallur - 600052

Defendant

This COS SR coming on this day for final hearing in the presence of M/s.S.Arun, the learned counsel for the plaintiff and upon perusing the documents and hearing the arguments and having stood over for consideration till this day, this court today delivers the following :

ORDER

1. The plaintiff bank has filed this suit for recovery of suit claim with interest. The Registry has raised an objection on the point of limitation. According to the plaintiff, the defendant availed a loan from the plaintiff bank on 23.11.2017 and defendant acknowledged his liability of debt on 15.07.2019. This suit ought to have been filed on or before 15.07.2022. This suit was filed on 03.06.2024. The learned counsel for the plaintiff submitted that as per judgment of Honourable Supreme Court, the period from 15.03.2020 to 28.02.2022 should be excluded for the purpose of computing limitation. As such if the above period is excluded, the plaintiff ought to have filed this suit on or before 30.06.2024. But the plaint was filed on 03.06.2024 within the period of limitation.

2. Now we have to see whether the plaintiff has complied with provisions of Section 12A of Commercial Courts Act. As per section 12A, no suit shall be instituted unless the plaintiff exhausts the remedy of pre-institution mediation when the suit does not contemplate any urgent interim relief under this act. In the suit, the plaintiff has not sought for any urgent relief. Therefore, only after exhaustion of remedy through pre institution mediation, the plaintiff must file this suit. The Non Starter report filed along with this plaint would show that he invoked pre-litigation mediation only on 07.01.2025, after the prescribed period of limitation. Therefore before presentation of plaint before this court, he has not invoked the prelitigation mediation as contemplated in section 12A of Commercial Courts Act 2015. As per section 26 of Civil Procedure Code, every suit shall be instituted only by presentation of a plaint. The presentation of

plaint in Commercial Court is barred unless the plaintiff exhausted the remedy of pre-institution mediation. In this case, the plaintiff invoked pre-institution mediation only after presentation of plaint. But the plaintiff has signed the plaint on 03.02.2024. But in the plaint, he has stated to have applied for pre-institution mediation on 07.01.2025. Therefore he should not have signed the plaint on 03.02.2024 or he might have corrected the plaint by inserting a paragraph after exhaustion of pre-institution mediation . As per the judgment of our Honourable Supreme Court, in Patil Automation Case, the suit is not maintainable. Our Honourable Supreme Court has held that Section 12A of Act is mandatory and any suit instituted violating the mandate of section 12A must be visited with rejection of plaint under order VII Rule 11 and this power can be exercised even suo motto by the Court. As per the above judgment, it was effective from 20.08.2022. The plaint was presented in 2024 but without invoking provision of Section 12A. Therefore the plaint is rejected for non compliance of Section 12A of Commercial Courts Act.

In the result, the plaint is rejected for non compliance of Section 12A of Commercial Courts Act. Court fee to be refunded as per Rules.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 1st day of June 2026.

GANAPATHI
SAMY

Digitally signed
by GANAPATHI
SAMY
Date: 2026.06.01
17:16:24 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft / Fair Order
in
C.O.S.SR No.354 / 2024

Date: 01.06.2026
Principal Commercial Court
Egmore , Chennai