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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 05-11-2026	Delivered on : 11-11-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Revision Petition No.6001 of 2026
& CMP.No.26039 of 2026

CNR:{HCMA012174922026}

Case QR

M/s.Hofinsoft Technologies Private
Limited, Represented by its Director,
Mr.Pallavur Unikkat Ajith Kumar,
Having Address at No.25,
VGP Murphy Square,
II Cross Street, St.Thomas Mount,
Chennai-16.

...Petitioner

Vs

M/s.Second Avenue Consulting
Private Limited, Represented
by its Founder Director Mr.Jaishankar,
Having Address at No.4,
Mangala Ganesh, 29 (New)/
15 (Old), IV Seaward Road,
Valmiki Nagar, Thiruvanmiyur,
Chennai 600 041.

...Respondent

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PETITION under Section 115 of the Civil Procedure Code against dated 15.7.2026 passed in I.A.No.1 of 2026 in C.O.S.No.37 of 2026 on the file of the Commercial Court (District Court) at Chengalpattu.

For Petitioner: Mr.R.Venkat Raman for
M/s.Tatva Legal Chennai

For Respondent: Mr.Suresh Madhavaraj

ORDER

This civil revision petition has been filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 15.7.2026 passed in I.A.No.1 of 2026 in C.O.S.No.37 of 2026 on the file of the Commercial Court (District Judge) at Chengalpattu (for short, the Court below) wherein the application filed by the petitioner/defendant under Order VII Rule 11 of the Civil Procedure Code (CPC) seeking to reject the plaint, came to be dismissed.

2. Heard the learned counsel on either side.

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

4. The respondent, who is the plaintiff, filed the said commercial suit against the petitioner/defendant seeking for the relief of recovery of money together with interest.

5. In the said suit, the petitioner/defendant filed the said application seeking to reject the plaint on the ground that the relief sought for in the said suit was clearly barred by limitation and that the said suit lacked any cause of action.

6. The Court below, by the impugned order, dismissed the said application on the ground that the limitation in the present case was a mixed question of law and fact and that the same could be decided only during trial. The Court below also rendered a finding that a reading of the plaint would establish that the dispute in question fell within the definition of the term “commercial dispute” under Section 2(1)(c) of the Commercial Courts Act, 2015. The Court below also found that there were sufficient pleadings establishing

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the cause of action for filing the said suit. Aggrieved by that, the above revision has been filed before this Court.

7. The main ground that was urged on the side of the petitioner/defendant was that the relief sought for in the said commercial suit was hopelessly barred by limitation. In order to substantiate the same, the learned counsel appearing on behalf of the petitioner/defendant relied upon the averments in the plaint and more particularly paragraphs 4 to 11 and 14 in the plaint. It was further submitted that the admitted facts in the plaint were that the last payment was made on 04.8.2018, that thereafter, there was absolutely no pleading that the defendant had acknowledged the debt whereas the suit came to be filed only in the year 2025, which would be much beyond the period of three years limitation and that therefore, the said suit was barred by the law of limitation.

8. The Court below, while dealing with the grounds raised by the petitioner/defendant, took into consideration the averments made in the plaint and also the documents filed along with the plaint. The Court below found that there were whatsapp messages exchanged between the parties where there was an admission of liability and

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that the issue as to whether it would satisfy the requirement of Section 18 of the Limitation Act, was a matter, which could be decided only during trial.

9. On carefully going through the pleadings, it is seen that the respondent/plaintiff specifically stated that the last part payment was made on 04.8.2018 to the tune of Rs.3.15 lakhs. The same was also substantiated by doc.No.6 – the bank statement relied upon by the respondent/plaintiff. The further averment made in the plaint would be that between 2019 and 2023, the parties were exchanging multiple whatsapp messages and mails and those whatsapp messages were filed as doc.No.5 series.

10. On going through those whatsapp messages, it is seen that one Mr.Ajith was exchanging the messages with the respondent/ plaintiff, that some part payment was also made and that in the meantime, the petitioner/defendant was not denying the liability. Those whatsapp messages were relied upon by the respondent/ plaintiff to substantiate the acknowledgment of debt under Section 18 of the Limitation Act.

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11. The learned counsel appearing on behalf of the petitioner/ defendant submitted that those messages that were relied upon by the respondent/plaintiff did not pertain to the defendant company and that it was a personal transaction between the said Mr.Ajith and the respondent/plaintiff company.

12. As rightly found by the Court below, the issue as to whether the claim made by the respondent/plaintiff in the present case was barred by limitation or not, is a mixed question of fact and law. A Court dealing with an application for rejection of the plaint cannot conduct a mini trial by interpreting the documents relied upon by the respondent/plaintiff and find out as to whether any acknowledgement was done in the individual capacity of the said Mr.Ajith or it was done on behalf of the petitioner/defendant company. This is clearly a matter for trial.

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13. On carefully reading all the averments made in the plaint together with the documents filed along with the plaint, this Court finds that the dispute involved is a commercial dispute, that there is a cause of action for filing the said suit and that prima facie, the relief sought for is not barred by limitation. This Court is of the view that the impugned order passed by the Court below does not suffer from any perversity warranting the interference of this Court.

14. In the light of the above discussions, the above civil revision petition is dismissed and the impugned order dated 15.7.2026 passed in I.A No.1 of 2026 in C.O.S.No.37 of 2026 on the file of the Commercial Court (District Judge) at Chengalpattu is sustained. No costs. Consequently, the connected CMP is also dismissed.

11-11-2026

To
The Commercial Court
(District Court), Chengalpattu.

RS

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N.ANAND VENKATESH,J

RS

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