



CRP No. 4086 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4086 of 2025

AND

CMP NO. 21119 OF 2025

M/s.B.C.G.Estates & Builders Private Limited,
Represented by its Authorized Agent,
K.M.David, S/o.Mathai, Having office at 5th Floor,
BCG Estate, Oppostie Ernakulam Medical Centre,
NH Bye pass, Palarivatoom, Kochi, Kerala State.

..Petitioner

Vs

Neelam Jain

..Respondent

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order in I.A.No.3 of 2021 in OS.No.335 of 2017, on the file of the I Additional District Judge, Coimbatore dated 02.07.2025 and consequently return the plaint filed in OS.No.335 of 2017 as such the I Additional District Judge, Coimbatore, has no territorial jurisdiction.

For Petitioner:

Mr.R.Sivakumar
for M/s.K.M.Vijayan Associates

For Respondent:

Mr.S.Praveennath
for Mr.T.Barathwaz



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ORDER

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This Civil Revision Petition has been filed challenging the impugned order dated 02.07.2025 passed by the I Additional District Court, Coimbatore in I.A.No.3 of 2021 in O.S.No.335 of 2017.

2. In the aforesaid order, the application filed by the petitioner, who is the defendant in the suit, seeking rejection of plaint on the ground that the I Additional District Court, Coimbatore does not have territorial jurisdiction to decide the suit, has been dismissed.

3. Learned counsel for the petitioner relies upon the following authorities in respect of his contentions that since the respondent/plaintiff is claiming charge over the property, which is the subject matter of the agreement of sale, the Court below does not have the territorial jurisdiction to decide the suit :-

(a) a decision of Hon'ble Supreme Court in the case of ***Harshad Chiman Lal Modi Vs. DLF Universal Ltd. & Anr.*** reported in ***(2005) 7 Supreme Court Cases 791*** ;

(b) a decision of Hon'ble Supreme Court in the case of ***Delhi Development Authority Vs. Skipper Construction Co. (P) Ltd. & Ors.*** reported in ***(200) 10 Supreme Court Cases 130***.



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4. However, learned counsel appearing for the respondent would submit that the suit filed by the respondent/plaintiff is a simple suit for recovery of advance amount paid by the respondent to the petitioner/defendant under the agreement of sale and the respondent is not claiming any charge over the property, which is the subject matter of the agreement of sale.

5. Admittedly, the advance payment was made by the respondent through a cheque issued to the petitioner from a bank in Coimbatore and the payment was also debited from the respondent's bank account at Coimbatore. Section 20(c) of CPC enables a party to file a suit at the place where part of cause of action arose. In the instant case, the part of cause of action arose at Coimbatore, since the advance amount was paid only from Coimbatore.

6. Learned counsel for the petitioner during the course of his submissions also raised a plea of limitation as according to him, the suit filed by the respondent is hopelessly barred by law of limitation. However, such a plea has not been taken in the application filed by the petitioner seeking for rejection of the plaint. In a suit for recovery of money, where a party is not seeking any charge over the property, which is the subject matter of agreement of sale, the

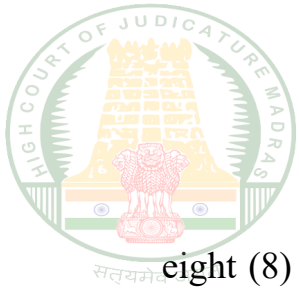


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party can file the suit at a place where the part of cause of action arose as per Section 20(c) of CPC. Therefore, the trial court under the impugned order has rightly rejected the application filed by the petitioner seeking rejection of plaint, since the court is having the territorial jurisdiction to decide the suit.

7. Since the plea of limitation was not raised by the petitioner in the application filed by the petitioner, there was no requirement for the trial court to decide the said issue while passing the impugned order. The decisions relied upon by the learned counsel for the petitioner referred to supra is not bearing to the facts of the instant case as the respondent is not claiming any charge over the property, which is the subject matter of the agreement of sale and is merely seeking refund of the advance amount said to have been paid by her to the petitioner for the purchase of the property. This Court does not find any infirmity in the impugned order and therefore, there is no merit in this revision.

8. Accordingly, this Civil Revision Petition is dismissed. Since the suit is of the year 2017 and since the pleadings are complete in the suit and the trial has already commenced, this Court, directs the I Additional District Court, Coimbatore to dispose of the suit in O.S.No.335 of 2017, within a period of



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eight (8) months from the date of receipt of a copy of this order. It is open for the petitioner to raise all objections before the trial court and the trial court shall consider the same while deciding the aforesaid suit. No costs. Consequently, the connected miscellaneous petition is closed.

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The I Additional District Court, Coimbatore.



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ABDUL QUDDHOSE J.

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