

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.2611 of 2011

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.23.02.2011 in O.S.396 of 2008 of the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar returning the plaint on the ground that it did not have territorial jurisdiction, after the entire trial has been concluded and the suit had gone on for more than 2½ years in the said Court.

2. The said suit had been filed by the petitioner against the respondent seeking damages for breach of an agreement of sale of a house plot located in Rajamundry Town.

3. The said agreement of sale was marked as Ex.A1, but it does not contain the date or place of its execution. According to the petitioner, it was executed in Ranga Reddy and a sum of Rs.40,000/- by way of D.D. drawn on SBI, Langar House Branch, Mehidipatnam, Hyderabad was handed over to the respondent as part of the sale consideration. The petitioner denied the suggestion made to him by the 3rd respondent that the agreement was executed at Rajamundry.

4. The respondents 2 to 4, in the written statement, no doubt contended that the Ranga Reddy Court where the suit is filed has no territorial jurisdiction on the ground that payments were made at Rajamundry and the site is located at Rajamundry. They also alleged that the said agreement was entered into at Rajamundry. They reiterated these facts in their evidence also.

5. Therefore, it is a case of oath against oath.

6. It appears that previously petitioner had approached the District Consumer Redressal Forum, Ranga Reddy for claiming damages but that Court had held that it had no jurisdiction and he should approach the District Consumer Redressal Forum,

Rajamundry.

7. Relying on the said order and on the ground that the respondents were residents of Rajamundry and the suit schedule property is located at Rajamundry, the Court below returned the plaint.

8. Challenging the same, this Revision is filed.

9. Heard Sri Venkateshwar Varanasi, counsel for the petitioner and Sri Ms T.V.Sridevi, counsel for 2nd respondent. Respondents 1, 3 and 4 are served but there is no representation on their behalf.

10. It is settled law that if part of cause of action has arisen at Ranga Reddy and other part of cause of action has arisen at Rajamundry, the Court at Ranga Reddy would also have jurisdiction. Having recorded the entire evidence and tried the suit for 2½ years, I am of the opinion that the Court below was not correct in returning the plaint on the ground that the said Court had no jurisdiction.

11. It is not as if any grave prejudice would be caused to the respondents if the suit is decided on merits by the Court below. The respondents also adduced evidence and contested the matter in the Court at Ranga Reddy District.

12. If after all this, the parties are condemned to a fresh round of litigation at Rajamundry, it would place financial burden on both parties. Merely because the petitioner was not able to file any proof in documentary form to show that part of cause of action arose at Ranga Reddy District, the plaint cannot be returned on that ground. It is also possible that the respondents have come down to Ranga Reddy District to meet the petitioner and got the agreement executed.

13. Therefore, this Civil Revision Petition is allowed and the impugned order

dt.23.02.2011 in O.S.396 of 2008 is set aside. O.S.No.396 of 2008 is restored to the file of VIII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar and the said Court is directed to decide it on merits as if it had territorial jurisdiction to decide the suit.

14. Since the suit is an old suit, the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar is directed to dispose of the said suit expeditiously, preferably within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs.

15. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

30th October, 2015.

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