

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

CMA.No.1873 of 2016

1.N.S.Doss Moses (since deceased)
2.D.Rajan Moses (Alias)
D.Rajah Moses (deceased)
3.Vasuntra Rajan Appellants

Vs

1.J.Arun Solomo Moses
2.Dr.D.Jeyakaran Ponsingh
3.Assistant Commissioner (General),
Tirunelveli Corporation,
Melapalayam Ward Office
Tirunelveli
4.Mahilini Thomas Respondents/Defendants

Prayer:- This Civil Miscellaneous Appeal is filed against the judgement and decree, dated 3.8.2015 passed by the learned XVI Additional Judge, City Civil Court, Chennai, returning the plaint in OS.No.1467 of 0213 under Order VII Rule 10 of CPC with a direction to represent the suit before the Court having territorial jurisdiction.

For Appellant : Mr.D.Sadhasivan

ORDER

This Civil Miscellaneous Appeal is filed against the judgement and decree, dated 3.8.2015 passed by the learned XVI Additional Judge, City Civil Court, Chennai, returning the plaint in OS.No.1467 of 0213 under Order VII Rule 10 of CPC with a direction to represent the suit before the Court having territorial jurisdiction.

2. Learned counsel for the Appellants, after some arguments to entertain the appeal, citing the reason that the Respondents 1 and 4 are residing in Chennai, has not made any prayer against the 3rd Respondent, the Assistant Commissioner (General), Melapalayam Ward Office, Tirunelveli Corporation and that the 2nd Respondent is creating lot of problems against the Plaintiff, who is the poor widow of his younger brother, has sought for 30 days time to represent the suit before the court having territorial jurisdiction.

3. The learned counsel for the Appellants would further submit that when this court has already passed a decree on 3.8.2015, directing the Plaintiff to present this suit before the court having territorial jurisdiction on or before 3.9.2015 and since the said time had expired, one more chance to represent this suit before the court having territorial jurisdiction within 30 days may be given. This court, agreeing with the request of the learned counsel for the Appellants, directs the Plaintiff to represent this suit before the court having territorial jurisdiction within 30 days from the date of receipt of a copy of this order. Accordingly, this appeal is disposed of. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

Srcm

To:

XVI Additional Judge, City Civil Court, Chennai
+ 1 cc to Mr.D. Sadhasivan, Advocate Sr.53849

CMA.No.1873 of 2016

RSY(CO)
EU 05.10.16

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