

**A.No.4034 of 2016 in
C.S.No.D31347 of 2014**

M.M.SUNDARESH,J.

Seeking to revoke the leave granted in Application No.8563 of 2014 dated 05.01.2015, on the ground of lack of jurisdiction, the present Application has been filed.

2.The learned counsel for the applicant/30th defendant in the Suit submits that the first defendant-Trust is situated outside the territorial jurisdiction of this Court, the Trustees are also residing outside the territorial jurisdiction of this Court. Same is the case with the properties belonging to the first defendant-Trust. Therefore, there is no jurisdiction available to this Court to entertain the Suit.

3.The learned Senior Counsel appearing for the respondents/ plaintiffs submits that the Trust Deed has been registered within the territorial jurisdiction of this Court. Incidentally, it is further submitted that some of the Accounts available in the Bank, which form part of the 'Will', pursuant to which, the Trust also comes within the jurisdiction of this Court. Therefore, the relief sought for

revoking the leave has to be rejected.

4.As rightly submitted by the learned counsel for the applicant, Clause 12 of the Letters Patent, prohibits the respondents/plaintiffs to maintain the Suit before this Court. While dealing with the cause of action, this Court is concerned with the material facts. Thus, all facts would not constitute a cause of action. The cause of action is one if proved by plaintiff would entitle him to get the reliefs. The facts as averred by the applicant is not in dispute. The entire immovable properties are situated outside the territorial jurisdiction of this Court. The Trustees as well as the first defendant-Trust are also reside/situate outside the territorial jurisdiction of this Court. The principle governing the forum convenience would also be applicable in such a case. A mere registration of a Trust before the Registering Authority within the territorial jurisdiction of this Court will not give any right to the first defendant-Trust. Similarly, the availability of the amount in their Bank at the time of creating the Trust also cannot be a ground to give jurisdiction to this Court. Therefore, looking from any angle, this Court is of the view that the prayer sought for revoking the leave granted has to be allowed.

5. Accordingly, the Application stands allowed. Consequently, the Registry is directed to return the Plaint to the plaintiffs for the purpose of presenting it before the jurisdictional Court.

15.11.2016

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