

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HON 'BLE MR. **JUSTICE K.K.SASIDHARAN**

Civil Revision Petition (PD) No.1258 of 2016
and C.M.P.No.6939 of 2016

1. Sheela Christian Charitable Trust,
Rep. By its Managing Trustee, P.Kalareena,
W/o. J.Ilango, King College Campus,
Nallur, N.Pudupattai Post,
Namakkal Taluk and District
 2. P.Kalareena, Managing Trustee,
W/o. J.Illango, King College Campus,
Nallur, N.Pudupatti Post,
Namakkal Taluk and District
- ... Petitioners

Versus

M/s. Thulasi Builders (I) Private Ltd.,
Rep. By its Executive Director, R.R.Sathyamoorthy,
S/o. Late R.Rangasamy,
Office at 72 B Power House Road,
Erode 638 001

... Respondent

Prayer:- Petition filed under Article 227 of the Constitution of India, against the fair and decretal orders, dated 30.10.2015, passed in I.A.No.543 of 2015 in O.S.No.146 of 2014 on the file of the I Additional District Judge, Erode.

For Petitioners : Mr. T.L.Thirumalaisamy
For Respondent : Mr. V.P.Sengottuvel

ORDER

The respondent filed a suit against the petitioners for a money decree, on the basis of agreement, dated 15.02.2012.

2. Before the trial court, the petitioners filed an application in I.A.No.543 of 2015 to take-up the issue of jurisdiction as a preliminary issue. The learned trial Judge dismissed the said application. The order is under challenge in this Civil Revision Petition.

3. The learned counsel for the petitioners contended that the respondent constructed the building, pursuant to the agreement dated 15.02.2012. The building is situated at Namakkal. The petitioners are also at Namakkal and as such the Court at Erode has no territorial jurisdiction. According to the learned counsel, the issue of jurisdiction ought to have been taken by the trial court as a preliminary issue.

4. The learned counsel for the respondent while justifying the order passed by the Trial Court contended that the agreement, dated 15.02.2012 was executed at Erode and as such, the Court at Erode has got territorial jurisdiction to entertain the suit.

5. It is true that the property is situated within the jurisdiction of the District Court at Namakkal. The trial court appears to be of the view that in view of the agreement dated 15.02.2012 executed at Erode, there is no merit in the contention

taken by the petitioner.

6. The trial court has not given any definite findings with regard to the issue raised by the petitioner. I am therefore of the view that the issue of jurisdiction has to be considered along with the other issues by the trial court.

7. There shall be a direction to the learned I Additional District Judge, Erode, to frame an issue with regard to jurisdiction. The said issue has to be answered along with the other issues.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected CMP is closed.

16.11.2016

srk

To
1. I Additional District Judge, Erode.

K.K.SASIDHARAN, J.,

srk

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