

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.No.203 of 2016
and
C.M.P.No.15988 of 2016

S.Nasrulla Shariff,
Proprietor,
M/s.Uni Leather Exports,
No.1-A, Pulla Avenue Road,
Shenoy Nagar,
Chennai-600 030. ... Appellant

vs

C.M.Raju ... Respondent

Original Side Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 22.06.2016 made in A.No.446 of 2016 in C.S.No.743 of 2014.

R.NO.446 of 2016: Applicationm praying that this Hon'ble Court be pleased to grant rejectin of Plaint in C.S.NO.743 of 2014.

For Appellant .. Mr.R.Ramaratnam

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The appellant seeks rejection of plaint on account of lack of territorial jurisdiction. This relief has been declined by the impugned order dated 22.06.2016. The premise of the order is that cheques have been issued and received at Chennai. The learned Single Judge has rightly noticed that for purposes of Order 7, Rule 11 of Code of Civil Procedure, 1908, only averments in the plaint and the documents filed therein would be taken into account. It has however simultaneously been observed that Issue about the jurisdiction can be framed at time of framing of Issues.

2. We believe that that is the correct course of action as put forth by the learned Single Judge in the latter part of the order.

3. The appeal is dismissed. No costs. Consequently, C.M.P.No.15988 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

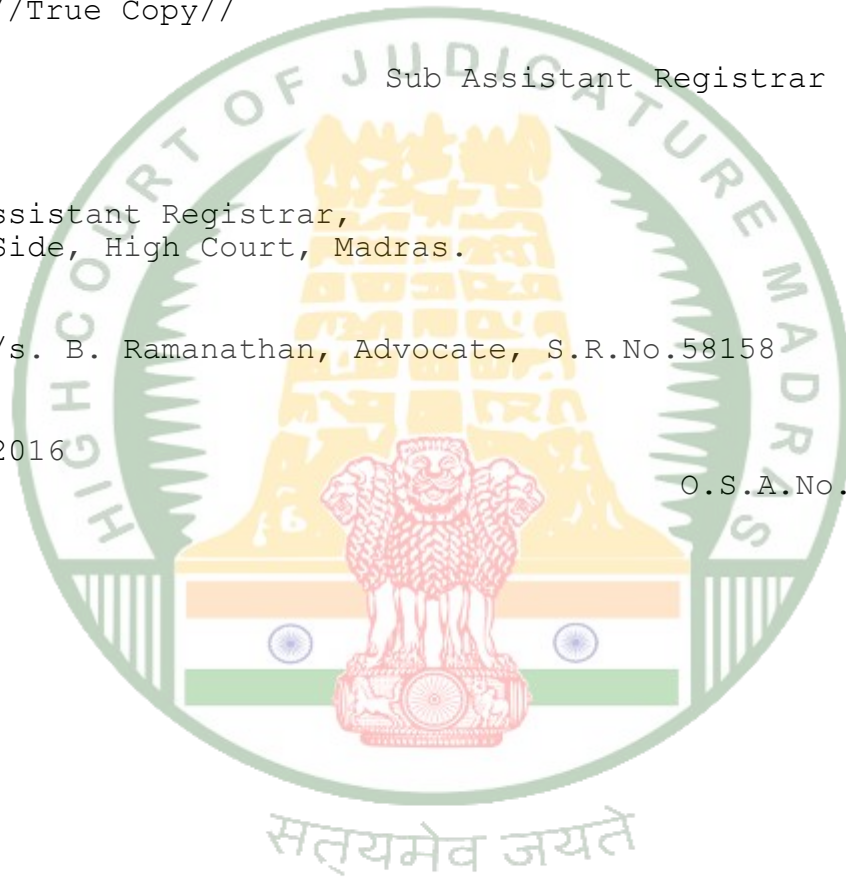
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To
The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to M/s. B. Ramanathan, Advocate, S.R.No.58158

SAI(CO)
EU(17/10/2016)

O.S.A.No.203 of 2016



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