

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.06.2016****CORAM:****THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM****C.R.P (MD) No.1090 of 2016 (PD)**

J.Shanthi

.. Petitioner

Vs.

1.C.Indira

2.C.Murugan

3.Johnson

.. Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal Sub Judge, Tenkasi to number the plaint in O.S.No.-- of 2016 and decide the same on merits by allowing this revision and direct the registry to return the Original Plaint, which is the impugned one in the civil revision petition.

For Petitioner : Mr.H.Arumugam

ORDER

The revision is filed for a direction to the learned Principal Sub Judge, Tenkasi to number the plaint in O.S.No.--- of 2016 and decide the same on merits.

2. Mr.H.Arumugam, learned counsel for the petitioner would submit that the suit was filed before the learned Principal Sub Judge, Tenkasi for specific performance, in which two items of properties have been referred. One of the properties is situated in Dindigul District and another property is situated in Tirunelveli District.

3. It is further submitted that as per Section 17 CPC, if properties situate within the jurisdiction of different Courts, the suit may be instituted in any one of the Court, within the local limits of whose jurisdiction any portion of the property is situate. However, the plaint was returned, referring Section 28 of the Indian Registration Act.

4. It is the contention of the petitioner that Section 28 of the Registration Act is not applicable to the facts of this case and as per Section 17 CPC the suit has to be numbered and decided on merits.

5. Despite service of notice on the Government Pleader, there was no representation.



6. Section 17 C.P.C. reads as follows:

"17. Suits for immovable property situate within jurisdiction of different Courts.

Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Court, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate :

Provided that, in respect of the value of the subject matter of the suit, the entire claim is cognizable by such Court."

7. As rightly contended by the learned counsel for the petitioner, Section 28 of the Indian Registration Act deals with registration of document, which does not prescribe or specify territorial jurisdiction of Civil Court for institution of Suits.

8. In the case on hand, it is not in dispute that one of the properties is situated within the jurisdiction of Sub-Court, Tenkasi. Section 17 C.P.C. makes it clear that if immovable property situated within the jurisdiction of different Courts, the Suit can be filed in any Court, where any portion of the property is situated.

9. Considering the above facts, this civil revision petition is allowed, directing the learned Principal Sub Judge, Tenkasi to number the suit and decide the same on merits. No Costs.

10. The Registry is directed to return the original plaint to the petitioner substituted by a photocopy of the same on records.

Sd/

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

The Principal Sub Judge, Tenkasi.

+1CC TO MR.H.ARUMUGAM, ADVOCATE IN SR.NO.30216

Copy to: The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai.