

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.2600 OF 2016

ORDER:

This civil revision petition is filed against the order dated 17.02.2016 passed in I.A.No.231 of 2015 in O.S.No.235 of 2013 dismissing the application filed by the petitioner under Section 151 CPC on the ground that the Court below lacks territorial jurisdiction.

2. The principal contention, which was urged by the petitioner before the Court below, is that the court below lacks jurisdiction to entertain the suit on the ground that the plaintiff had failed to specifically set out in the pleading where the cause of action has arisen and further as the petitioner is residing in Tirupati, the same has to be filed at Tirupati. It was also the contention of the petitioner before the court below that the witnesses and the scribe did not give their complete address and thereby there is no other material on record to establish that the transaction has taken place within the territorial jurisdiction at Nellore.

3. The court below having considered the submissions and having noticed that in the 11th line of 5th paragraph of the plaint it was clearly mentioned that the money transaction had taken place at Nellore and cause of action arose at Nellore and advertent to Section 20 CPC, had rejected the impugned IA.

4. Sri L.J. Veera Reddy, learned counsel appearing on behalf of the petitioner, by making a reference to Order VI Rule 2 CPC would contend that the cause of action paragraph is only a formal paragraph and the same does not by itself constitute a specific pleading and the Court below ought not to have numbered the plaint at all, which was not being in conformity with Order VI Rule 2 CPC,

and ought to have rejected the plaint. Learned counsel reiterating the contents of the affidavit filed in support of the I.A. prays for allowing this petition.

5. At the outset, it may be noticed that the application filed by the petitioner is by invoking Section 151 CPC and not a petition filed under Order VI Rule 2 CPC or Order VII Rule 11 CPC, which specifically empower a party to the suit to seek rejection of the plaint. It is settled law that when there is a specific provision relating to the territorial jurisdiction of the courts under the Code of Civil Procedure,

the application filed by invoking general provision under Section 151 CPC is not maintainable. In those circumstances, the contention raised by the learned counsel before this Court is not maintainable and does not require consideration. Insofar as the aspect as to whether the court below was right in rejecting the application filed under Section 151 CPC is concerned, once it is categorically mentioned in the cause of action paragraph that the cause of action arose at Nellore i.e., within the territorial jurisdiction of the Court below, it cannot be said that the court lacks inherent jurisdiction to entertain the suit. The averments in the plaint clearly show that the cause of action has arisen at Nellore. Hence, the order of the court below rejecting the application filed by the petitioner does not warrant interference by this court.

Accordingly, the Civil Revision Petition is dismissed.

As a sequel, the miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE CHALLA KODANDA RAM

July 29, 2016
LMV