

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.AUTHINATHAN

O.S.A.No.102 of 2014

1.K.Madhavan Naidu
2.K.Radhadevi
3.K.Ramesh
4.K.Shakila
5.K.Ramya
6.K.Rithish

.... Appellants

Vs

1.Rajini Balakrishnan
2.V.Revathi
3.Rama Gunasekaran

.... Respondents

Appeal preferred under Order XXXIX Rule 9 of O.S. Rules r/w Clause 15 of Letters Patent against the order and decretal order dated 18.11.2013 made in A.No.4029 of 2013 in A.No.2901 of 2013 in C.S.No.474 of 2013.

For Appellants ... Mr.R.Thiagarajan

For Respondents.. Mr.C.Jagadish

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Being aggrieved by the order passed by the learned single Judge in declining to allow the application filed for revoking the leave granted, this appeal has been preferred by the defendants/appellants.

2.After making submissions, the learned counsel for the appellants submits that the issue of territorial jurisdiction and forum conveniens can be framed as an issue and to be decided at the time of deciding the suit.

3.Considering the said submission, we dispose of this appeal with liberty to the appellants to raise the aforesaid issue before the learned single Judge at the time of deciding the suit. Accordingly, the appeal stands disposed of, making it clear that the observations made by the learned single Judge shall not stand in the way of hearing the suit afresh. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.R.Thiagarajan, Advocate Sr.5987

+1cc to Mr.C.Jagadish, Advocate Sr.5996

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