

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.06.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**

CRP(PD)No.1527 of 2018

and

C.M.P.No.8136 of 2018

1.M/s. Money Apparels,
Rep. by its partner
P.Balasubramaniam

2.P.Balasubramaniam

3.P.Ramamurthy

.. Petitioners

vs.

M/s.Sri Vasudeva Textiles Pvt. Limited,
Rep. by its Managing Director,
Mr.E.N.Sivasamy,
S/o.Late K.Nanjappa Gounder,
Having Registered Office
No.55, Ganesh Puram,
Sarkar Samakulam,
Via-Coimbatore.

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 08.02.2018 passed in I.A.No.380 of 2017 in O.S.No.357 of 2016 by the learned III Additional District and Sessions Judge, Coimbatore.

For Petitioner ... Mr.N.Ishtiaq Ahmed

ORDER

The Civil Revision Petition has been filed by the petitioner against the order and decretal order dated 08.02.2018 passed in I.A.No.380 of 2017 in O.S.No.357 of 2016 by the learned III Additional District and Sessions Judge, Coimbatore.

2. The respondent herein is the plaintiff and the petitioners herein/defendants 1, 2 and 4 and one Mani are the defendants in the suit filed in O.S.No.357 of 2016.

3. The brief facts of the case are as follows: The respondent / plaintiff filed a suit in O.S.No.357 of 2016 seeking a direction to the petitioners herein and one Mani to pay a sum of Rs.21,74,443/- with interest @ 18% per annum on the file of the III Additional District and Sessions Judge, Coimbatore. Pending the suit, the petitioner herein/1st defendant filed I.A.No.380 of 2017 under Order 7 Rule 11(A) CPC to reject the plaint and the same was dismissed by the Court below by the order dated 08.02.2018. Feeling aggrieved by the said order, the present civil revision petition has been filed.

4. The learned counsel for the petitioners/defendants 1, 2 and 4 submitted that the Court below without considering the case of the petitioner, erroneously dismissed the application as no part of cause of action arose within the territorial jurisdiction. The cause of action arose only at Tirupur not at Coimbatore. Hence, the civil revision petition has to be allowed.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. A perusal of records reveal that on the purchase orders raised by the Firm of the 1st petitioner/1st defendant, the plaintiff/respondent supplied the goods to the Firm on credit basis. But, 1st petitioner/1st defendant failed to pay the amount. Hence, the suit has been filed by the respondent/plaintiff as their registered office is situated at Coimbatore. The Court below, on considering the facts and circumstances of the case, rightly held that the territorial jurisdiction is not a ground for rejection of plaint. At the time of deciding an application filed under Order 7 Rule 11 of CPC, the Court has to see as to whether the plaint discloses the cause of action and not the defence put forth by the defendant. In this case, plaint

discloses cause of action. The revision petitioners has not disputed the fact that the registered office of the plaintiff is at Coimbatore. Therefore, there is no reason to interfere with the order passed by the trial Court.

7. In view of the above, the Civil Revision Petition has no merits. There is no illegality or infirmity in the order passed by the trial Court below.

In the result, the civil revision petition is dismissed. The order dated 08.02.2018 passed in I.A.No.380 of 2017 in O.S.No.357 of 2016 by the learned III Additional District and Sessions Judge, Coimbatore is confirmed. No costs. Consequently connected miscellaneous petition is closed.

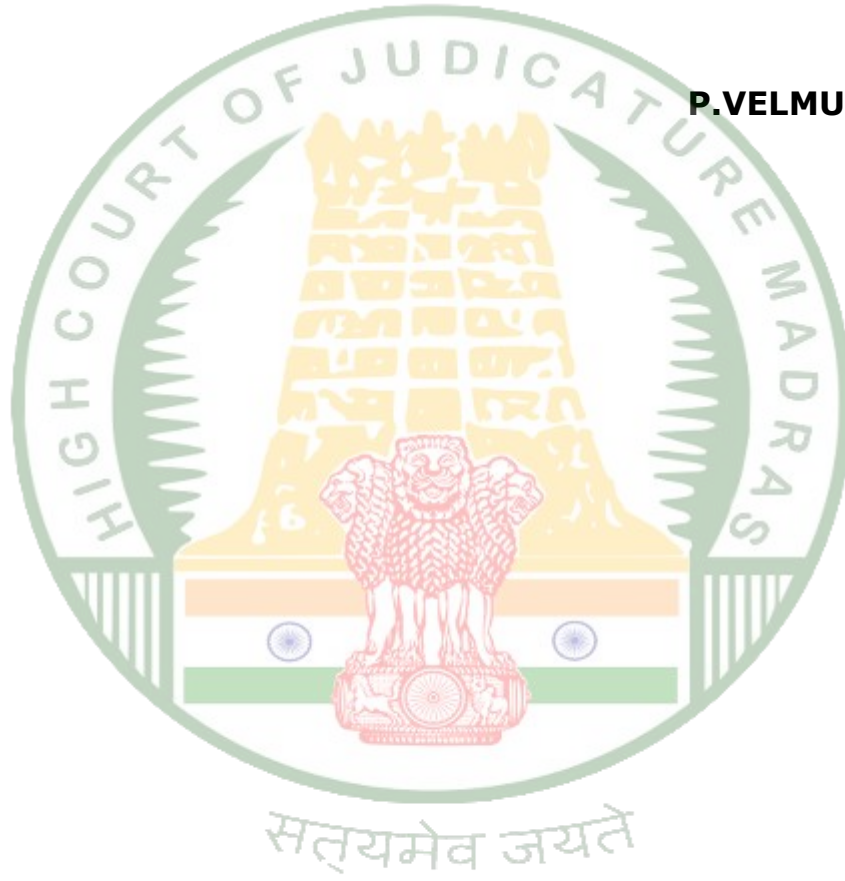
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To

The III Additional District and Sessions Judge,
Coimbatore.

05.06.2018

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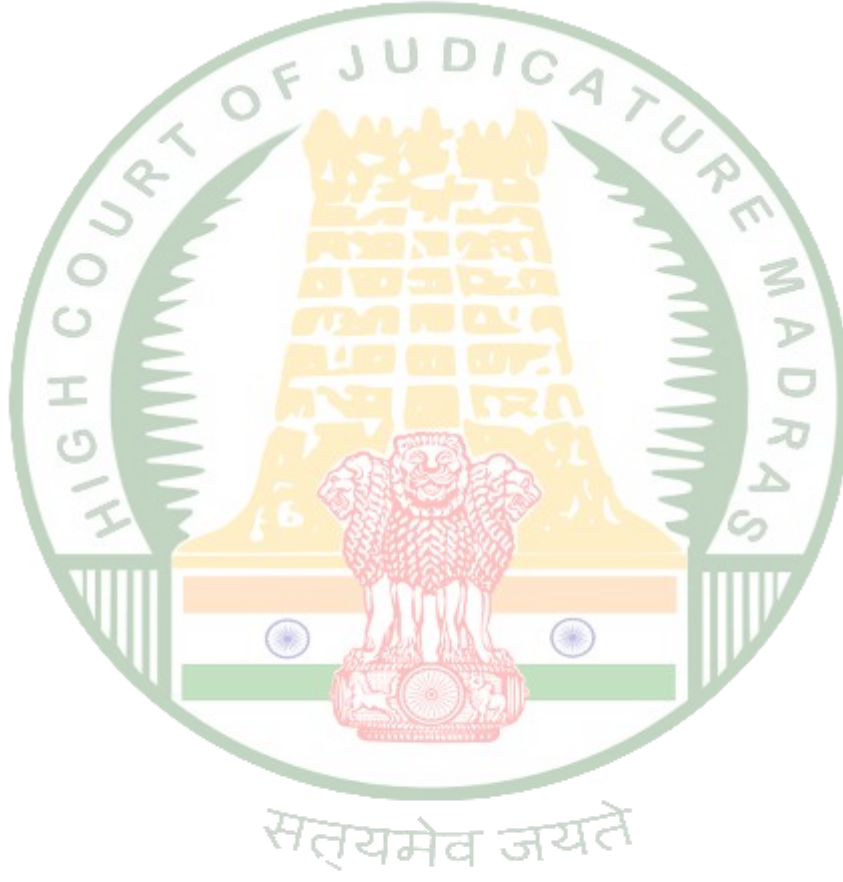
P.VELMURUGAN.J,

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