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A.No. 3196 of 2016

Reserved on : 17.11.2023
Pronounced on: 15.03.2024

Application No. 3196 of 2016
in
C.S.No. 444 of 2013

ORDER

A.A. NAKKIRAN, J

This application has been filed to reject the plaint in C.S.No. 444 of 2013.

2. The learned counsel for the applicant/plaintiff contended that the applicant is the 2nd defendant in the civil suit. The suit has been instituted by the first respondent/plaintiff for declaration and permanent injunction. The suit property is located at S.No.405/10, Okkiam-Thoraipakkam Village, Tambaram Taluk, Kancheepuram District. The territorial jurisdiction of this Court as delineated in the Madras High Court Jurisdictional Limits Act, 1927, does not extend to the Okkiam Thoraipakkam Village in Kancheepuram District. Further, the suit property is situated outside the territorial jurisdiction of this Court.



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Therefore, the suit is not maintainable before this Court. The purchase of the suit property and its subsequent conveyance of the same to the applicant under the registered sale deed dated 17.12.2012 have all occurred outside the jurisdiction of this Court. The property is situated outside the territorial limits of this Court, the fact that some part of the cause of action arose within the jurisdiction of this Court, cannot clothe this Court with jurisdiction to entertain this suit on the original side. Hence, the alleged cause of action pleaded in Paragraph 22 of the plaint is completely misconceived. Therefore, the applicant/2nd defendant prays to allow the above application.

3. The first respondent/plaintiff submits that he has filed the above civil suit for declaration and permanent injunction. At the time of filing the suit, the 1st respondent/plaintiff has filed an application in A.No. 2754 of 2013 before this Court praying to grant leave to institute the suit as against the applicant/2nd defendant. The first respondent/plaintiff submits that the cause of action for the suit arose within the territorial jurisdiction of this Court. The leave was granted by this Court and the suit has been numbered. Therefore, the respondent/plaintiff prays to



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dismiss the above application.

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4. Heard both sides and perused the records.

5. It is seen that the 1st respondent/plaintiff has filed the suit for declaration and permanent injunction. The defendants have contested the suit by filing written statement denying all the averments made in the plaint. During the pendency of the suit proceedings, the applicant/2nd defendant has filed the present application seeking to reject the plaint.

6. It is further seen that, at the time of filing the suit, the 1st respondent/plaintiff filed A.No. 2754 of 2013 praying to grant leave to institute the suit as against the applicant/2nd defendant and the leave was granted by this Court on 03.07.2013. Hence, this application is not sustainable.

7. In the result, the application is dismissed. No costs.



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Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
MSM

A.A.NAKKIRAN, J



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MSM

Pre-Delivery order in
Application No. 3196 of 2016
in
C.S.No. 444 of 2013

15.03.2024