

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2018

Coram

The Honourable Mr.Justice M.M.SUNDRESH

and

The Honourable Mr.Justice N.ANAND VENKATESH

Original Side Appeal No.255 of 2018
& C.M.P.No.12140 of 2018

Chennai Ananda Bhavan,
Kinfra P.O. Muringoor Koratti,
Cichin-Thrissur Highway NH-47,
Thrissur-680 309, Kerala. Appellant

Vs.

M/s Adyar Ananda Bhavan Sweets & Snacks,
Rep., by its Partner K.T.Venkatesan,
Muthulakshmi Bhavan, NO.9, M.G.Road,
Shastri Nagar, Adyar, Chennai-600 020. Respondent

Original Side Appeal is filed under Order XXXVI Rule IX of the Original Side Rules read with Clause 15 of the Letters Patent against the order dated 06.06.2018 made in Application No.2213 of 2018 in C.S.No.982 of 2017.

Application No.2213 of 2018:

Application praying this court be pleased to return the plaint in CS.No.982 of 2017 being presented before the proper court under order VII Rule 10 f CPC.

For Appellant : Mr.R.Prabhakaran

For Respondent : Mr.K.Harishankar

JUDGMENT

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

After making submissions elaborately, the learned counsel appearing for the appellant would submit that notwithstanding the order passed by the learned single Judge, there may be an

issue, which can be decided while disposing of the suit, with regard to territorial jurisdiction.

2. Considering the submission made, we deem it fit to request the learned single Judge to frame an issue which can be decided along with the suit. We make it clear that we have not expressed anything on merits of the other pending applications, which are obviously to be disposed of independently and notwithstanding the framing of issue.

3. The Original Side Appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

raa

To

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

+2cc to Mr.K.HARISHANKAR, Advocate, S.R.No.49508
+2cc to Mr.R.PRABHAKARAN, Advocate, S.R.No. 49254

O.S.A.No.255 of 2018

NM(CO)
TR(07/08/2018)

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