

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2018

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.(PD)No.3492 of 2014

1.M.V.Manoj Kumar
2.M.Geethalakshmi

...
Vs.
...

Petitioners

1.P.Dorairaj
2.A.Raja

Respondents

Prayer :- The Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order dated 17.04.2013 passed in O.S.SR.No.38486 of 2012 on the file of the learned I Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.V.G.Suresh Kumar

For Respondents : No appearnace

ORDER

The learned counsel appearing for the petitioners has fairly placed before this Court a Division Bench Judgment of the Madras High Court in the case of **Central Bank of India Vs.Mr.Joseph and 20 others** reported in **1997 (II) CTC 1**, wherein, the Division Bench of this Court has held that the City Civil Court has no jurisdiction to entertain a mortgage suit, where the property is situated outside its territorial limits. The case on hand is similar in nature as the mortgage suit has been filed before the City Civil Court, Chennai in respect of a property mortgaged to the plaintiffs situated outside the territorial limits of the City Civil Court,

Chennai. Therefore, the trial Court has rightly returned the plaint filed by the plaintiffs for presentation before the appropriate Court having the jurisdiction.

2. In view of the settled proposition of law, the suit will have to be filed by the plaintiffs before the appropriate Court at Thiruvallur, where, the mortgaged property is situated.

3. Accordingly, the petitioners are granted liberty to represent the returned plaint before the appropriate Court at Thiruvallur, which shall adjudicate the suit in accordance with law. Four weeks time is granted to the petitioners to represent the returned plaint before the appropriate Court from the date of receipt of a copy of this order.

With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

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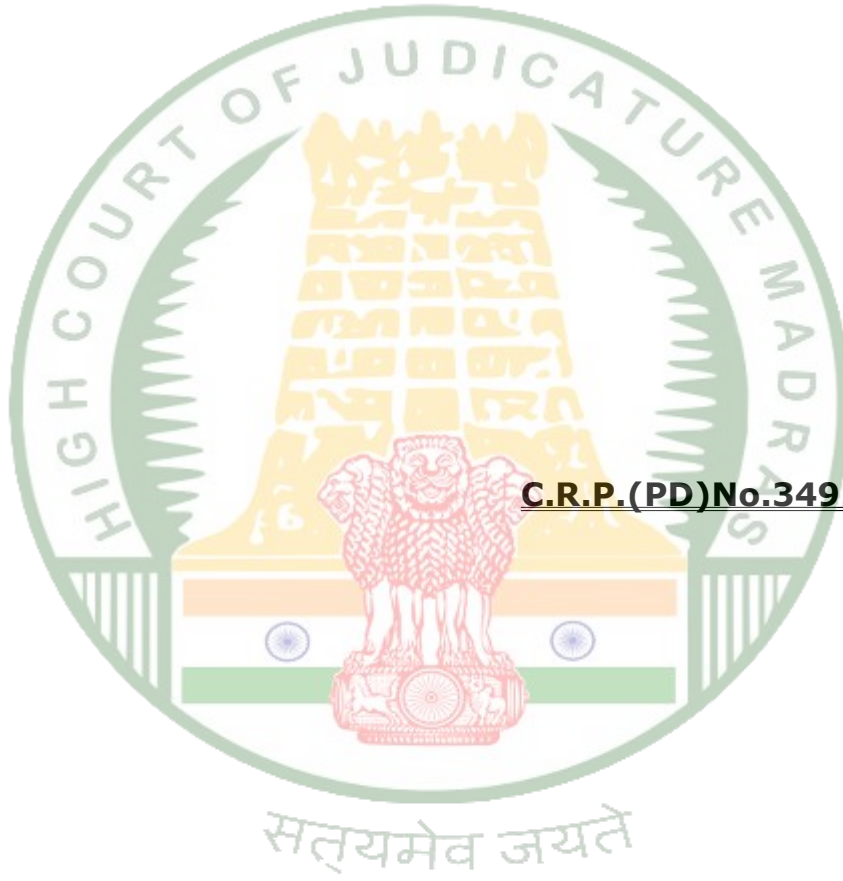
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18.12.2018

To
The learned I Assistant Judge,
City Civil Court, Chennai.

ABDUL QUDDHOSE,J.,

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