

A.No.8234 of 2015
in
C.S.Diary No.48351 of 2015

R.SUBRAMANIAN.J.,

This application has been filed seeking leave to institute a suit in this Court.

2. The suit is one for recovery of money based on a un-registered memorandum of deposit of title deeds said to have been executed within the jurisdiction of this Court. The property mortgaged is situate outside the jurisdiction of this Court.

3. Notice was ordered in the Application. Despite service none appears for the respondent.

4. Mr.R.Srinivas, learned counsel appearing for the applicant would rely upon the judgment of the Division Bench of this Court in ***Central Bank of India Vs. Joseph and 20 others*** reported in ***1997 (2) CTC page 1***, which is to the effect that the suit on mortgage is not a suit on land and therefore this Court could entertain the suit even in respect of the property situate outside the jurisdiction of this court by granting leave under Clause 12 of Letters Patent.

R.SUBRAMANIAN.J.,

dsa

5. In view of the said pronouncement of the Division Bench, this application is allowed and leave is granted to institute a suit in this Court. The Registry is directed to number the suit if it is otherwise in order.

dsa

20.06.2019



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