

A.No.9396 of 2019

in

C.S. SR No.22044 of 2019

SENTHILKUMAR RAMAMOORTHY, J

This application is filed for leave to institute the suit in respect of the property described in the schedule to the plaint.

2. I heard the learned Senior Counsel for the applicant/plaintiff.

3. The learned Senior Counsel for the applicant submitted that the suit arises out of a loan that was granted by the applicant/plaintiff to the respondent/defendant and that the said loan was secured by a mortgage. He further submitted that the entire loan transaction had taken place at Chennai where the applicant/plaintiff carries on business. It is further submitted that this is not a suit for land but it is a suit for recovery of money, which is secured by a mortgage. Accordingly, he submitted that since the cause of action for the suit arose in Chennai, this Court has jurisdiction and therefore, this application is liable to be allowed.

SENTHILKUMAR RAMAMOORTHY, J

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4. I considered the submissions of the learned Senior Counsel for the applicant and examined the plaint and the affidavit filed in support of the application.

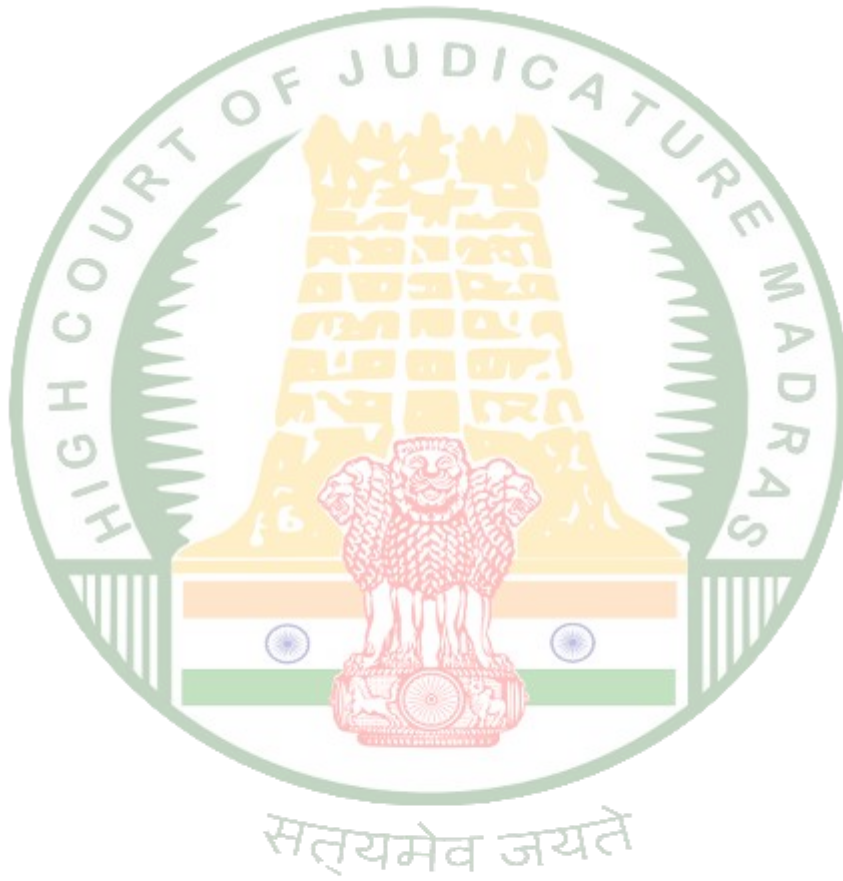
5. It is evident from the above that the suit is for recovery of money and the loan transaction has taken place in Chennai, where the applicant/plaintiff carries on business and, where the respondent/defendant approached the applicant/plaintiff so as to borrow money and for that purpose, handed over the title deeds by way of equitable mortgage. Therefore, a case is made out for grant of leave to sue as prayed for.

6. Accordingly, this application is allowed and the applicant is permitted to sue the respondent/defendant before this Court.

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