

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 11th DAY OF JANUARY, 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A. No.8409 of 2018

in

C.S.No.111 of 2019

Mr.S.Ganesan,
S/o.Sudalaimani,
No.4/47,-1, Mathunayakanpatti Road,
Allampatti,
Virudhunagar - 626 001. ...Plaintiff/Applicant

Vs.

1.Mr.S.Sakthivel,
S/o.M.Samuthiravelu,
No.H-10, Police Quarters,
Near Ganesan Travels,
Egmore,
Chennai - 600 008.

2.Mr.S.Chandran,
S/o.Sundararajan,
No.6/143, Malligai Street,
NGO Colony - East,
Sivagnanapuram Panchayath,
Virudhunagar - 626 001.

3.Mrs.C.Subbulakshmi,
W/o.S.Chandran,
No.6/143, Malligai Street,
NGO Colony - East,
Sivagnanapuram Panchayath,
Virudhunagar - 626 001.

4.Great Lakes Multi-State Co-operative
Housing Society Limited,
Represented by its
Chairman namely
Mr.S.Sakthivel,
No.76/190, South Car Street,
Sivagnanapuram Panchayath - 626 125
Virudhunagar District.

..Defendants/Respondents.

Application praying that this Hon'ble Court be pleased to grant leave to sue the Applicant against Respondents 2 to 4/Defendants 2 to 4 in the above Suit.

This Application coming on this day before this Court for hearing, the Court made the following order:-

In a suit filed for recovery of a sum of Rs.2,35,65,150/- and the plaintiff has come up with this application seeking leave to sue.

2. The case of the applicant is that the respondents are his family friends and they sought Rs.2 crores to discharge the encumbrance created over the property. Based on their statement, the applicant had given Rs.2 Crores on various dates.

3. Mr.M.Mohideen Pitchai, learned counsel for the applicant would state that the applicant had deposited about Rs.73,11,200/- in the account of the respondents in the City Union Bank, Egmore Branch, Chennai and another Rs.1,22,400/- in the account of the respondents in the State Bank of India, Egmore Branch, Chennai.

4. According to the learned counsel for the applicant, part of cause of action had arisen within the

jurisdiction of this Court. This application has been filed, since the defendants 2 to 4 are residing outside the jurisdiction of this Court.

5. Ms.T.Kokilavane, learned counsel appearing for the respondents 1 and 4, by referring to counter affidavit, vehemently contended that the entire cause of action had arisen at Virudhunagar.

6. Considering the submissions made by the learned counsel for both sides and also taking note of the averments made in the affidavit filed in support of the application, leave is granted.

Sd/-M.K.K.S.J

110/01/2019

//Certified to be a true copy//

Dated this the day of 2019.
JJ 12/03/2019

सत्यमेव जयते

COURT OFFICER (O.S)

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