

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05TH DAY OF OCTOBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.1645 of 2020
and
C.S.Diary No.44590 of 2020

1.M/S.METAL IMPEX,
REPRESENTED BY ITS PARTNER
MR.KAMALESH S.JAIN ALIAS KAMALESH JAIN,
Son of Mr.Shanthilal Jain,
Prince Apartments,
59, Ormes Road, 7th Floor,
Kilpauk, Chennai-600 010

2. Mr.Sneh M.Jain,
Son of Mr.Mukesh Kumar Jain,
Flat No.3D, Jain Villa Apartment,
3rd Floor, No.9/10,
Clemens Road,
Vepery, Chennai-600 007.

3. Mrs.Badami Devi,
Wife of Late Mr.Ugamchand Jain
Residing at "Rainbow Siddhachal Apartment"
Flat No.10C, Demellows Road, Pattalam,
Old No.1, New No.1,
Pulliyanthope,
Perambur Barracks Road,
Chennai-600 012.

4. Mr.Vikram U Jain,
Son of Late Mr.Ugamchand Jain,
Residing at "Rainbow Siddhachal Apartments"
Flat No.10C, Demellows Road, Pattalam,
Old No.1, New No.1,

Pulliyanthope,
Perambur Barracks Road,
Chennai-600 012.

5. Mrs.Vanita Jain,
Daughter of Late Mr.Ugamchand Jain,
Residing at No.9/10-2,
Vepery Church Road,
Vepery, Chennai-600 007.

6. Mrs.Neetu Jain
Daughter of Late Mr.Ugamchand Jain,
Residing at No.19, SDM Lane,
Manavarthipet,
Bangalore- 560 053

7. Mrs.Rita Jain,
Daughter of Late Mr.Ugamchand Jain,
Residing at Flat 9D,
Prince Apartment,
No.59, Ormes Road,
Kilpauk, Chennai-600 010 ..Applicants/Plaintiffs

-Vs-

1. MR.S. SRINIVASAN,
S/O. MR.V.SHANKARAN,
No.16/12, Mariamman Koil Street,
Keezhma Nagar, Poonamallee,
Chennai – 600 056

2. MR.N.BHUPESH,
S/O. MR.P.NAGARAJAN,
C/o.M/s.Indira Projects and Developments Private Limited,
No.116, 1, Anna Salai,
Behind IDBI Bank,
Chennai – 600 015

3. MRS. NEETA JAIN,
Wife of Mr.Mukesh Kumar,
Flat No.3D, Jain Villa Apartment,
3rd Floor, No.9/10,

Clements Road,
Vepery, Chennai- 600 007

4. MRS. SHOBANA BAI,
Wife of Mr.Dilip Kumar,
Flat No.4BC,
Arihant Shivasakthi Apartment,
No.77/93, Sydenhams Road, Perimet,
Chennai – 600 003

5. Mr.SREYANS JAIN,
Son of Mr.Dilip Kumar,
Flat No.4BC,
Arihant Shivasakthi Apartment,
No.77/93, Sydenhams Road, Periamet,
Chennai – 600 003

..Respondents/Defendants

A.No.1645 of 2020:

This application praying that this Hon'ble Court be pleased to grant leave to the Applicants/Plaintiffs to sue in C.S.D.No.44590/2020

This application coming on this day before this court for hearing, the court made the following order:

Instant Application has been filed to grant leave to the applicants/plaintiffs to sue in C.S.No.44590 of 2020.

2. Suit is filed for recovery of a sum of Rs.3,63,04,875/-. It is the case of the plaintiffs that the first defendant, claiming the power of Attorney of the original agent, viz., Raniammal, sold the property to the first and second plaintiffs for a total consideration of Rs.2,49,00,000/- and

received the entire sale consideration of Rs.2,49,00,000/- by RTGS transfer to his account after deducting TDS. When the second plaintiff went to registration Office on 7/7/2017, for getting the property inspected by the Registrar, he was informed that Raniammal had sent a letter stating that she had not executed any Power of Attorney and somebody had created fraudulent documents and sold her property. As a result, Police complaint was lodged, on 11/7/2017 before the Commissioner of Police, Chennai, against the plaintiffs and in criminal prosecution, this Court, directed to cancel all the mortgage deeds and return all the original documents relating to the property.

3. It is the contention of the plaintiffs that the sale deed executed is not valid in law. All the subsequent transactions and events including undertaking to repay the entire amounts together with expenses and losses and execution of declaration cum indemnity bond had all happened at Chennai, within the jurisdiction of this Court. Though the first respondent/first defendant resides outside the jurisdiction of this Court, the entire cause of action of negotiation and payments were made in Chennai through the bank account of the applicants/plaintiffs at Chennai.

4. Considering the fact that entire transaction happened in Chennai, within the jurisdiction of this Court, and the suit claim amount falls within the pecuniary jurisdiction of this Court, this Court is of the considered view that this Court has got a jurisdiction to allow this petition.

5. Accordingly, **leave is granted and the instant application is allowed.**

Sd/.N.S.K.J.
05.10.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/08.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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