

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF SEPTEMBER 2020

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

A.No.2101 of 2020

M/S.SREEVATSA REAL ESTATES PVT.LTD

REP.BY ITS MANAGING DIRECTOR

MR.C.S.RAMASWAMY

No.8/2 Mettupalayam Road,
Coimbatore.

..Applicant/Plaintiff

-Vs-

1. R.KRISHNAKUMAR

S/O.RAMAMURTHY REDDIAR,

743, VOC Nagar,

Tondiarpet,

Chennai - 600 083.

2. C.KRISHNAMURTHY

106/9. Perundurai Road,

Near Easwaramoorthy Mahal,

Erode - 638 011.

3. K.S.VIJAYENDRAN

S/o.Shanmugam

No.10, Kuppunaicken Pettai,

Chrompet Post,

Near Nemilacherry,

Chennai - 600 044.

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to grant leave

to sue the 2nd and 3rd Respondent/2nd and 3rd Defendants before this

These Applications coming on this day before this court for hearing the court made the following order:

Heard.

2. This application filed seeking leave to institute the suit within the jurisdiction of this Court.

3. A reading of the plaint reveals that the second and third defendants had held out that the property in Thiruvannamiyur belongs to the first defendant and induced the plaintiff herein to purchase the said property for valuable consideration.

4. Later, it transpired that the first defendant was actually not the owner of the property. Documents produced showing title had been fabricated.

5. A suit had been instituted in C.S.No.856 of 2007 by the actual owner claiming relief to protect the property and to secure the property.

6. The suit was decreed.

7. Thereafter, the present suit had been now instituted by the plaintiff seeking recovery of the sale consideration paid.

8. The property is situated within the jurisdiction of this Court.

9. The sale deed which was executed in favour of the plaintiff was executed in a Registrar office within the jurisdiction of this Court.

10. The first defendant is also residing within the jurisdiction of this Court.

11. The second and third defendants are residing outside the jurisdiction of this Court.

12. However since substantial part of cause of action arose within the jurisdiction of this Court where the property is situated and where the sale deed in favour of the plaintiff was registered, I hold that leave sought has to be granted. Application is allowed.

13. Registry to number the suit if it is otherwise in order.

Sd/.C.V.K.J.
29.09.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU.30.09.2020

सत्यमेव जयते 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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