

A.No.2861 of 2014
in
C.S.No.D5257 of 2011

N.SATHISH KUMAR, J.

This application is filed to grant leave to sue the applicant to file the suit against the respondent / defendant.

2. The suit has been filed for recovery of money. It is the contention of the learned counsel for the applicant that before the deposit of title deeds, the property has been mortgaged and sold to various third parties. Therefore, the suit has been filed for recovery of money. As the defendant is residing outside the jurisdiction, leave is sought in the application.

3. The learned counsel appearing for the respondent mainly contended that the suit has been presented and returned long back and there is a huge delay in re-presenting without notice to the respondent. Hence, he submitted that leave cannot be granted at this stage.

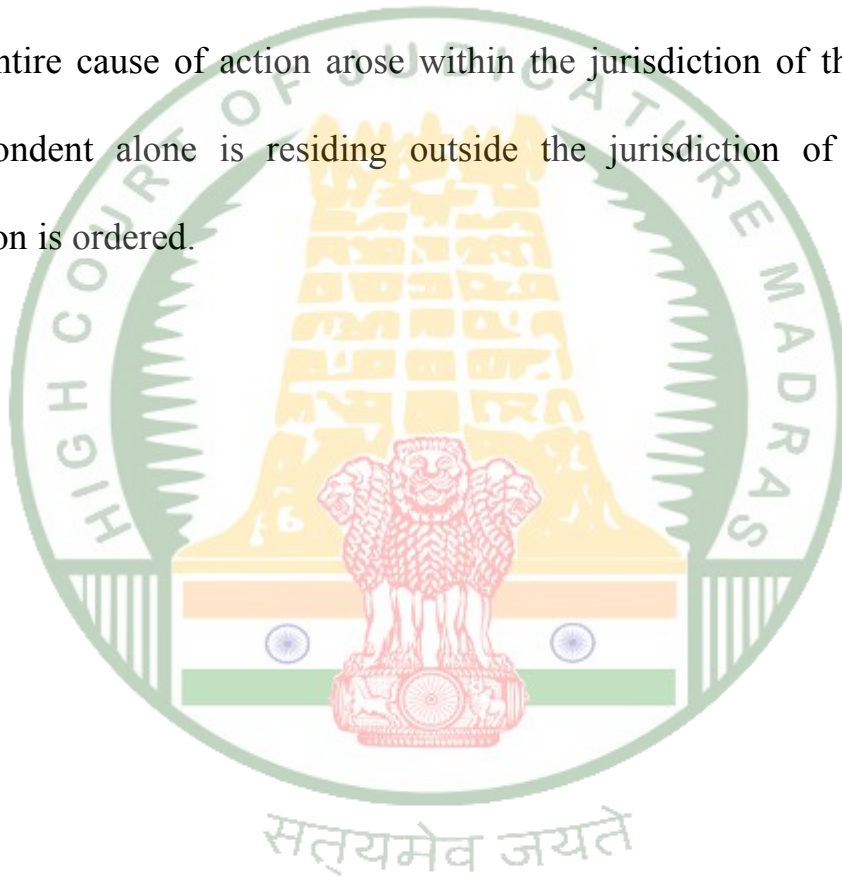
4. Having regard to the nature of the allegations, particularly nature of the suit filed, the entire cause of action arose within the jurisdiction of this Court and deposit of title deeds was also made that the suit is not filed based on

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mortgage but for recovery of money alone not only based on advance but also issuance of the cheque and it has happened within the jurisdiction of this Court. As the entire cause of action arose within the jurisdiction of this Court, though the respondent alone is residing outside the jurisdiction of this Court, this application is ordered.

06.11.2020

AT



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