

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.12.2020

PRONOUNCED ON : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(PD)No.1533 of 2017

(Through Video Conferencing)

R.Vijaya

Petitioner

Vs

1. K.Ravi @ K.Ramu

2. R.Vanaja

3. The Auctioneers, Sri Raj & CO
Chennai-1

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the order dated, 18.04.2016, made in IA.No.17901 of 2015 in OS.No.7238 of 2015, by the XVII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.C.Ramesh

For Respondent : No Appearance

ORDER

1. This Civil Revision Petition has been filed, to set aside the order dated, 18.04.2016, made in IA.No.17901 of 2015 in OS.No.7238 of 2015, by the XVII Assistant Judge, City Civil Court, Chennai.
2. The facts of the case, in a nutshell, are that the 1st Defendant is the

Petitioner and the Plaintiffs and the 2nd Defendant are the Respondents. The suit was filed for permanent injunction restraining the Defendants from selling the suit property and for costs. In the suit, the Plaintiffs have filed the above said IA, seeking ad-interim injunction, restraining the Defendants from selling the suit property. In and by the impugned order, the said IA was disposed of, ordering status quo. Hence, this Civil Revision Petition has been filed by the 1st Defendant.

3. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
4. The main ground raised by the Petitioner is that since the suit property is situated beyond the territorial jurisdiction of the City Civil Court, Chennai, it has no territorial jurisdiction to try the suit and hence, the impugned order of status quo passed by it is not sustainable.
5. The impugned order was passed by the City Civil Court, Chennai, before which the suit was filed. Admittedly, the suit property is situated at Madhavaram, Chennai-60, which is not coming within the territorial jurisdiction of the City Civil Court, Chennai. Therefore, the City Civil Court, Chennai does not have jurisdiction to try the suit and it ought not to have passed any order. Hence, the impugned order, ordering status quo over a property, which does not come within its jurisdiction, passed by the City Civil Court, Chennai, is not sustainable. Further, the City Civil Court, Chennai having held that it is not having territorial jurisdiction, it erred in passing the impugned order, which warrants interference by this Court and accordingly,

the impugned order is liable to be set aside.

6. In fine, this Civil Revision Petition is allowed. No costs.

16.12.2020

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

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To

1. The XVII Assistant Judge, City Civil Court, Chennai.

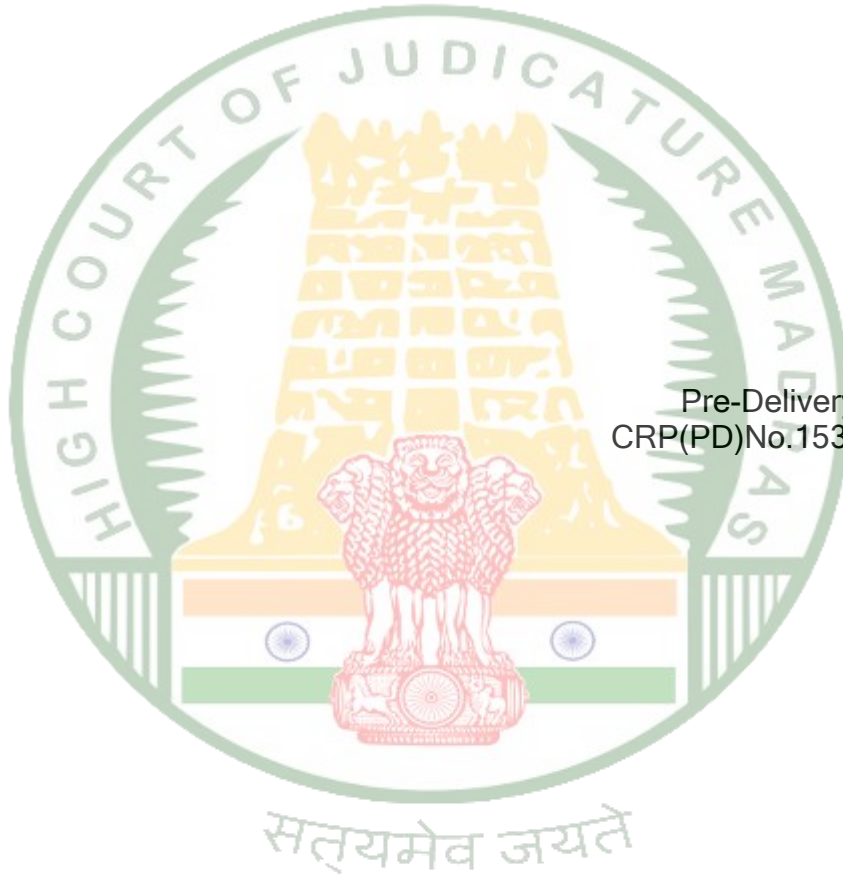


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A.A.NAKKIRAN, J.

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Pre-Delivery Order in
CRP(PD)No.1533 of 2017

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16.12.2020