

Application No.8720 of 2019
in C.S.SR.No.139761 of 2019

Dr.G.JAYACHANDRAN,J.

This application is filed to grant leave to sue on the ground that, part cause of action has arisen within the jurisdiction of this Court.

2. The case of the applicant is that, a contract was entered between the plaintiff and the defendants in respect of sale of iron ore for a particular price. The iron ore was loaded at Gopalur, Orissa. However, it is alleged that, the defendant has not taken delivery of iron ore and negotiated for a lesser price, that was also accepted and part of sale consideration was deposited in the account of the plaintiff.

3. It is contended by the Learned Counsel for the plaintiff that, the offer of the defendant was accepted by the plaintiff at Chennai and therefore, this Court has jurisdiction to try the case.

4. Whereas, the defendant, who has entered appearance through counsel had strongly opposed the application for grant of leave on the ground that, there is no cause of action arisen within the jurisdiction of this Court. Thus, the place of plaintiff's resident will not confer jurisdiction.

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5. The Learned Counsel appearing for the plaintiff would rely upon the judgement of Bombay High Court in the ***State of Maharashtra Vs. Sarvodaya Industries*** reported in ***1975 AIR (Bombay) 197***, wherein, it is stated that, under Section 19 of C.P.C., suit can be laid within the jurisdiction of the Court, where the wrong done. The wrongful Act might have done at one place resultant damage might have caused at another place.

6. According to the Learned Counsel for the plaintiff would submit that, though the wrong was done at Gopalpur, Orissa, for not taking delivery of the goods, resultant the damages had caused at Chennai. Therefore, under Section 19 of C.P.C., this Court has jurisdiction to entertain the suit. Considering the submissions, this Court is of the view that, the leave has to be granted. Accordingly, leave is granted.

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