



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.770 of 2021
and C.M.P.No.6365 of 2021

(Through Video Conference)

- 1) G.Panjali
- 2) Lakshmi
- 3) G.Raman
- 4) Lakshmanan

.. Petitioners/
Impleaded 8th to 11th defendants

Versus

- 1) E.Bakthavachalam
- 2) C.Annamalai
- 3) Kanniammal
- 4) Raniammal
- 5) Indira Ammal
- 6) The Sub Registrar of Assurances,
Sembium Sub Registrar Office,
Paper Mills Road,
Perambur, Chennai 600 011.

... 1st Respondent/Plaintiff

.. Respondents/
2nd , 3rd , 4th , 5th , and 7th Defendants

Impleaded as 8th to 11th defendants
as per the order in I.A.No.5 of 2019
Dated 22/11/2019 1st to 4th Petitioners.

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to strike down the plaint taken on file in O.S.No.4610 of 2018 dated 06.09.2018 on the file of the II Assistant Judge, City Civil Court at Chennai.



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For Petitioner : Mr.K.Mohanmurali
For R-1 : Mr.V.R.Thangavelu
For R-2 : Mr.M.Vijaya anand
For RR 3 to 5 : Mr.M.Umapathi
For R-6 : Dr.S.Suriya,
Government of counsel(Civil side)

O R D E R

This Civil Revision Petition is filed to strike down the plaint taken on file in O.S.No.4610/2019 on 06.09.2018 on the file of the II Assistant City Civil Court, Chennai.

2. The issue involved in this case is very limited. The learned counsel for the petitioners submitted that the suit properties do not lie within the jurisdiction of City Civil Court, Chennai. However, the respondents/ plaintiffs chose to file this suit in the City Civil Court, Chennai and by suppressing some material facts like lack of territorial jurisdiction and impleading the Sub Registrar of Assurance, Madhavaram as the third respondent, when he is not a defendant in the main suit, got an order of interim injunction. It is nothing but a fraud committed on the Court. Therefore, he prays for striking of the plaint.

3. The learned counsel appearing for the first respondent strongly opposed the submissions made by the learned counsel for the petitioners that the suit was wrongly registered in the Court, which has no jurisdiction and it is the submission that there is no fraud, whatsoever committed, by the first respondent.

4. When the matter was taken up last on 24.06.2021, this Court directed the learned Government Advocate to examine the issue with regard to the territorial jurisdiction and file a specific report of respective government officials, indicating whether the properties, which are the subject matter of registration of documents in the Sub Registrar Office at Sembium, lie within the jurisdiction of City Civil Court, Chennai and also give a report whether the properties mentioned at Madhavaram Village, Thiruvallur District also lie within the jurisdiction of City Civil Court, Chennai.

5. When the matter is taken up for hearing today, the learned Government Advocate filed an affidavit stating that the document Nos.3470/1995, 3471/ 1995 and 5655/2010 have been registered at Sembium Sub Registrar office and the properties involved in those documents are situated at Madhavaram Village, Thiruvalluvar District. Madhavaram Village was in Sembium Sub Registrar Office jurisdiction upto 27.02.2011 only. The records



pertaining to the above period have been kept at the Sub Registrar Office, Sembium. It is submitted that as per G.O.Ms.No.32, dated 25.02.2011, Commercial Taxes and Registration (G) Department, separate Madhavaram Sub Registrar office was established on 28.02.2011. Now, the said Madhavaram Village properties have been registered at Madhavaram Sub Registrar Office, at Madhavaram Taluk, Thiruvallur District and it is coming under Thiruvallur Revenue District. On 28.02.2011 onwards, all the properties situated in Madhavaram Village are being registered at Madhavaram Sub Registrar Office and the village is now coming under Madhavaram Taluk Office at Thiruvallur District. Thus, it is seen from the affidavit filed by the sixth respondent that the suit properties do not lie within the territorial jurisdiction of the City Civil Court, Chennai.

6. This Court pointed out to the learned counsel for the parties that the City Civil Court lacks territorial jurisdiction. The option open to the Court is to return the plaint by invoking the Provisions under Order VII Rule 10 of the Civil Procedure Code.

7. The learned counsel for the petitioners also agreed that the plaint may be returned and this view was also subscribed by the learned counsel for the respondents. Therefore, this Court directs the learned II Assistant Judge, City Civil Court at Chennai to hear both the parties with regard to the territorial jurisdiction for the Court to entertain this suit and if the Court comes to a conclusion that it lacks territorial jurisdiction, the Court is directed to follow the provisions under Order VII Rule 10 and 10A of the Civil Procedure Code. The parties are given liberty to raise their submissions before the learned Judge with regard to availability or non-availability of territorial jurisdiction to the City Civil Court, Chennai for trying this case.

8. With this observation, this Civil Revision Petition is Disposed of. No costs. Consequently, connected miscellaneous petition if closed. The learned trial Judge is directed to complete this exercise within a period of two(02) months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1) The II Assistant Judge,
City Civil Court,
Chennai.

2) The Sub Registrar of Assurances,
Sembium Sub Registrar Office,
Paper Mills Road,
Perambur, Chennai 600 011.

+1cc to Mr.M.Umapathi, Advocate, S.R.No.40159
+1cc to Mr.V.R.Thangavelu, Advocate, S.R.No.40217
+2ccs to Mr.K.Mohanmurali, Advocate, S.R.No.39863
+1cc to the Special Government Pleader, S.R.No.40126

C.R.P. No.770 of 2021

VBM(CO)
CT/03/09/2021