

A.No.2377 of 2021
in C.S. No.46 of 2021

DR.G.JAYACHANDRAN,J.

This application is filed to return the plaint on the ground that the Commercial Court have no jurisdiction to entertain the cause pleaded in the plaint.

2.According to the applicant/defendant, the property in dispute was leased to the defendant under a Registered Deed for a period of 30 years. The present suit is filed on the premise that on expiry of the lease period, the plaintiff requested the defendant to hand over the possession of the suit property and to pay damages for unauthorised use and occupation.

3.Though in the plaint, it is pleaded that the premises was let out to the defendant for running a mill and presently, the mill is not functioning and the premises is not used. According to the applicant, the Civil Court jurisdiction is barred in view of the City Tenant's Protection Act and therefore, under Section 11 of the Commercial Courts Act, the suit before the Commercial Division is not maintainable.

4. Counter has been filed by the plaintiff wherein it is specifically stated that the property was leased out to the defendant for a commercial purpose viz., to run a flour mill. On expiry of the lease period, the possession of the property is sought back.

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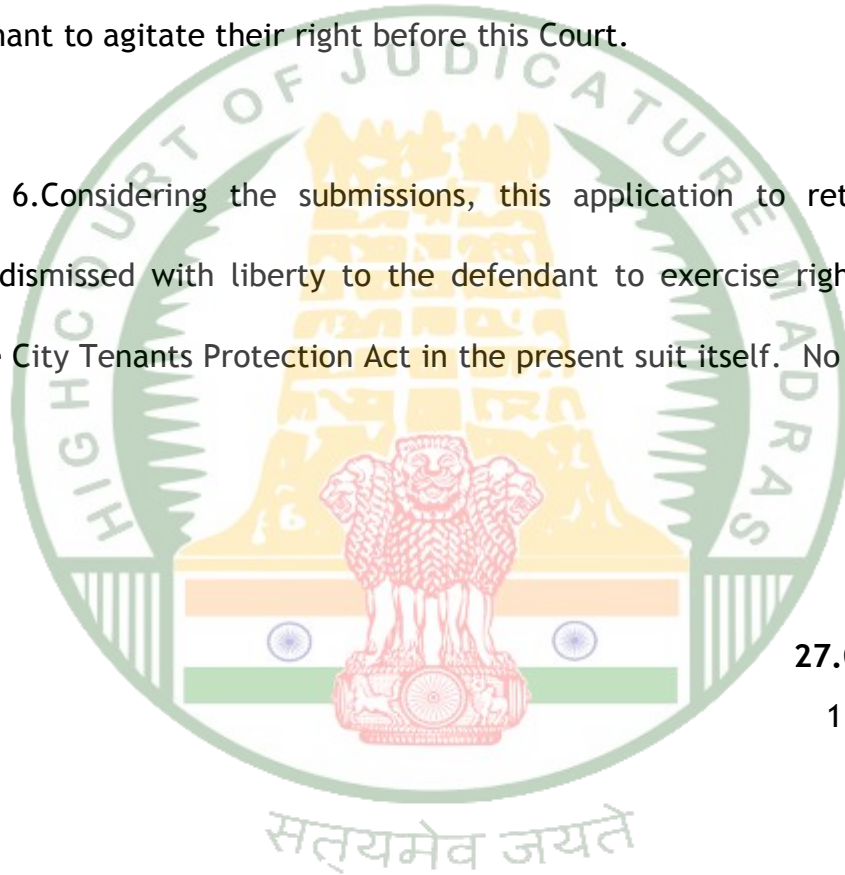
5.The Civil Court jurisdiction is no way ousted by City Tenants Protection Act and if any semblance of right is accrued on the defendant to invoke the provisions of the City Tenants Protection Act, it is always open to the tenant to agitate their right before this Court.

6.Considering the submissions, this application to return the plaint is dismissed with liberty to the defendant to exercise right if any under the City Tenants Protection Act in the present suit itself. No order as to costs.

vri

27.08.2021

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