



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 2ND DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.No.2469 of 2021

in

C.S.No.81 of 2021

TmtBinu Christeena,
W/o.Thiru Peter Arivarasan
No.3/421 Pandian Salai,
Neelankarai
Chennai 600 115.

..Plaintiff

Vs

1.M.A.R.Juherhiza
W/o.Late A.Jalal
New D.No.226, Old D.No.171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.

2.Mrs.A.J.Manaraseena
D/o.Late A.Jalal
New D.No.226, Old D.No.171
Ramakrishna Mutt Salai
Mandaiveli, Chennai-600 028.

3.Mrs.A.Thameemnisa
D/o.Late Jalal
D.No.14/8 Appavu Gramani 1st Street,
Mandaiveli, Chennai 600 028.

4.Mrs.A.J.Shahar Banu
D/o.Late A.Jalai
D.No.51A Salaiar Street
Mandaiveli, Chennai 600 028.



5. Mrs. A.J. Noornisa
D/o. Late A. Jalal
New D.No. 8/2, Old D.No. 7/1
Lalitha Nagar 1st Street,
Mylapore, Chennai-600 004.

6. Mr. J. Khaja Moideen
S/o. Late A. Jalal
New D.No. 226, Old D.No. 171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.

7. Mrs. A.J. Shabina Parveen
D/o. Late a. Jalal
New D.No. 226, Old D.No. 171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.

8. Thiru A. Pradeep
S/o. A. Asokan
Door No. 1, Vanniampathi Street,
R.A. Puram, Chennai-600 028.

..Defendants

A.No.2469 of 2021:

Thiru A. Pradeep
S/o. A. Asokan
Door No. 1, Vanniampathi Street,
R.A. Puram, Chennai-600 028.

..Applicant/8th Defendant

-Vs-

1. Tmt. Binu Christeena,
W/o. Thiru Peter Arivarasan,
No. 3/421, Pandian Salai,
Neelankarai,
Chennai-600 115.

..1st Respondent

2. M.A.R. Juherniza
W/o. Late A. Jalal
New D.No. 226, Old D.No. 171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.



3. Mrs. A.J. Manaraseena
D/o. Late A. Jalal
New D.No.226, Old D.No.171
Ramakrishna Mutt Salai
Mandaiveli, Chennai-600 028.

4. Mrs. A. Thameemnisa
D/o. Late Jalal
D.No.14/8 Appavu Gramani 1st Street,
Mandaiveli, Chennai 600 028.

5. Mrs. A.J. Shahar Banu
D/o. Late A. Jalal
D.No.51A Salaiar Street
Mandaiveli, Chennai 600 028.

6. Mrs. A.J. Noornisa
D/o. Late A. Jalal
New D.No.8/2, Old D.No.7/1
Lalitha Nagar 1st Street,
Mylapore, Chennai-600 004.

7. Mr. J. Khaja Moideen
S/o. Late A. Jalal
New D.No.226, Old D.No.171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.

8. Mrs. A.J. Shabina Parveen
D/o. Late A. Jalal
New D.No.226, Old D.No.171
Ramakrishna Mutt Salai,
Mandaiveli, Chennai-600 028.

..2 to 8th Respondents

Application praying that this Hon'ble Court be pleased to the
rejection of plaint for want of jurisdiction.



This Application coming on this day before this court for hearing, the Court made the following order:

Suit is for recovery of money filed by the plaintiff on the premise that the defendant has breached the Joint Venture Agreement and thereby liable to pay the suit claim.

2.The defendant has filed an application to reject the plaint on the ground that the property and the place where Joint Venture Agreement entered between the plaintiff and the defendant is situated outside the territorial jurisdiction of this Court and further more, in an Anticipatory Bail petition, the parties have arrived at settlement and recorded the same, which form part of the order passed by this Court in Criminal Original Petition No. 682 of 2019 dated 17.06.2019. Hence, the defendant seeks rejection of the plaint for want of jurisdiction and cause of action.

3. The plaintiff has filed counter stating that the defendant had not executed the sale deed as per the settlement recorded in the Anticipatory Bail petition. Further more, the suit is for recovery of money paid under the contract and agreements, all were entered at the residence of the defendant at Chennai. Since the defendants are all residing within the



suit filed for recovery of money.

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4. On considering the rival submissions and pleadings, this Court finds that the suit filed for recovery of money against the defendants, who are residing within the jurisdiction of this Court, cannot be rejected on the ground that this Court lacks territorial jurisdiction. All the other grounds raised in the application are all disputed question of facts, which has to be decided only after the trial. Hence, the application to reject the plaint is dismissed. No costs.

Sd/- G.J.J.
02.09.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

Jj 14/09/2021