

A.No.3723 of 2019
in C.S.SR.No.65434 of 2019

V.PARTHIBAN, J.,

This petition is filed, seeking to grant leave to institute the suit before this Court under Section 92(1) of the Civil Procedure Code.

2. Mr.S.R.Raghunathan, learned counsel appearing on behalf of the respondents 1 to 4, raised objection for grant of leave, saying that the suit itself is not maintainable at all and therefore, the question of grant of leave, would not arise. According to him, the objection is covered by the decision of the Hon'ble Supreme Court of India also.

3. However, when this Court informs the learned counsel for the respondents 1 to 4 that such issue of maintainability can always be the subject matter of consideration during the course of the consideration of the suit proceedings, which need not be decided at this stage, the learned counsel requests this Court that such right may be preserved and he may be allowed to raise such objection if need arises in the course of the suit proceedings.

V.PARTHIBAN, J.,

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4. Granting liberty for raising objection in regard to the issue of maintainability of the suit, leave is granted without prejudice to the rights of the parties concerned as reflected in the respective pleadings. Accordingly, this application is ordered.

21.04.2021

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