

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD) No. 1786 of 2021

Obuli Parthiban

...Petitioner

Vs.

1. The Branch Manager

M/s.Axis Bank, Thuraipakkam Branch,
No.172, 173, Chandrasekaran Avenue,
Old Mahabalipuram Road,
Chennai – 600097.

2. The Regional Manager,

M/s.Axis Bank, Regional Office,
No.2, Ground Floor, Opposite to Anna Salai,
Club House Road,
Chennai – 600002.

3. The Chief Manager,

M/s.Axis Bank, South Zone,
No.82, Aalim Centre, Ground Floor,
Opposite to Nilgris Super Market,
Dr.Radhakrishnan Salai, Mylapore,
Chennai – 600004.

4. The Nodal Officer,

M/s.Axis Bank,
NPC-1, 5th Floor, Gigaplex Plot No.I.T.F,
MIDC, Airoli knowledge park,
Airoli, Navi Mumbai,
Mumbai – 400708.

5. Mr.Chandra Prabhu.P.,
Senior Manager, RB Collection and
Underwriting unsecured collection,
Old No.38, New No.165, 3rd Floor, Plot No.65,
Arcot Road, United India colony,
Kodambakkam,
Chennai – 600024.

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned docket order passed by the learned Principal District Munsif, Salem, in O.S.SR.No.4178 of 2021 dated 30.04.2021 and consequently take the plaint on file.

For Petitioner : Mr.S.Sathyaraj

ORDER

This Civil Revision Petition is filed to set aside the impugned docket order passed by the learned Principal District Munsif, Salem, in O.S.SR.No.4178 of 2021 dated 30.04.2021 and consequently take the plaint on file.

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2. The learned counsel for petitioner submitted that the petitioner filed a suit in O.S.SR.No.4178 of 2021 against the respondents seeking the relief of permanent injunction, directing the respondents not to harass the

petitioner otherwise than due process of law, if there is any lawful due from the petitioner to the respondents; granting mandatory injunction to produce proper account details with particulars, if the respondents paid or transferred the sum of Rs.6,12,000/- to the petitioner's account or if the respondent bank paid the said sum to the petitioner.

3. The case of the petitioner is that he borrowed a personal loan and repaid the loan. Even after repayment of the loan, the respondents are sending bank staff to his house at Salem, on 11.02.2021 and they are abusing the petitioner and his family members. This harassment continued again and again by appearing in person or through phone calls. He further submitted that the learned Principal District Munsif, Salem, without numbering the plaint returned it on the ground of lack of territorial jurisdiction. Therefore, this Civil Revision Petition has been filed.

4. Considered the submission and perused the records.

5. Order dated 30.04.2021 in O.S.SR.No.4178 of 2021 passed by the learned Principal District Munsif, Salem, reads that the respondents are in Chennai, loan was taken in Chennai, and the material cause of action has not

arisen within the jurisdiction of the Court. Primarily on these reasons, the plaint was returned. There is no dispute with regard to the fact that the loan was taken in Chennai, as it is clearly admitted in the plaint and the respondents' office situate in Chennai and Mumbai.

6. The fact of matter is that the main cause of action for filing the suit is that the respondents sent their staff to the residence of the petitioner which is at Gugai, Salem, which comes within the jurisdiction of the learned Principal District Munsif Court, Salem. It is clearly alleged in the body of the plaint and the cause of action that the staff of the respondents bank came to the house of the petitioner at Gugai, Salem, on 11.02.2021, and spoke ill words about the petitioner and his family members. This gives a cause of action for instituting a suit within the territorial jurisdiction of learned Principal District Munsif Court, Salem. Therefore, the order passed by the learned Principal District Munsif Court, Salem that *“the material cause of action has not arisen within the jurisdiction”* is not correct and this view of the matter order dated 30.04.2021 in O.S.SR.No.4178 of 2021 passed by the learned Principal District Munsif, Salem is set aside.

7. The learned Principal District Munsif Court, Salem is directed to number the plaint, if it is otherwise in order and proceed to dispose of the case on merits and in accordance with law.

8. With the above direction, this Civil Revision Petition stands disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

ep/Jer

02.09.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

Note: Registry is directed to return the original plaint to the learned counsel for the petitioner.

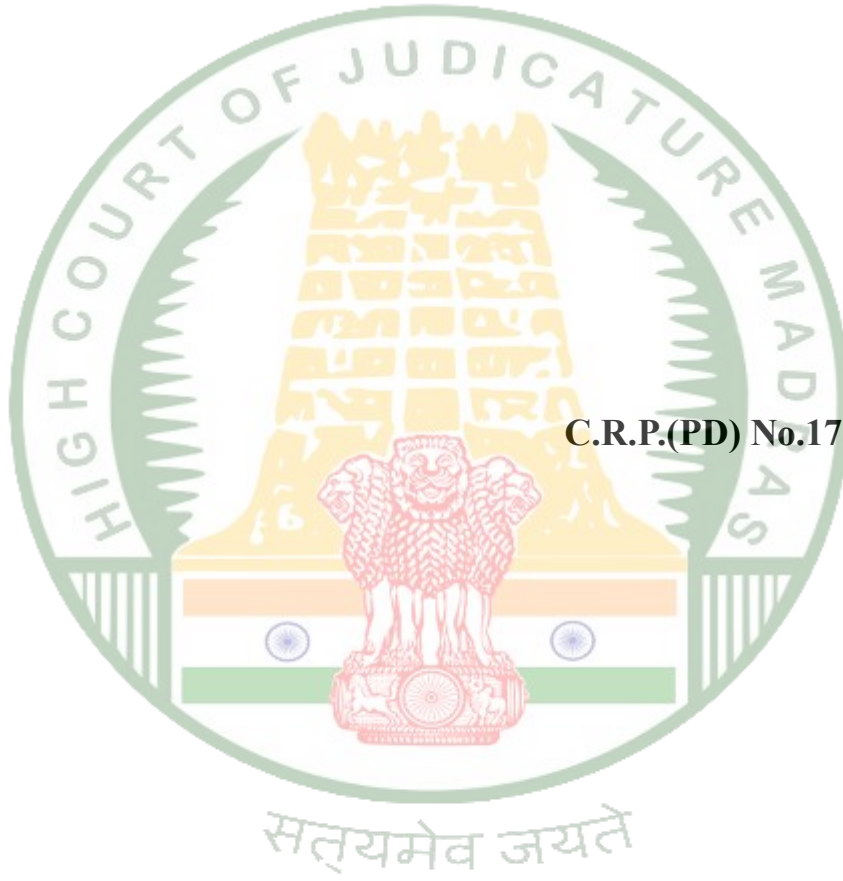
To

The Principal District Munsif, Salem.

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G.CHANDRASEKHARAN.J,

ep



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