



WEB COPY



A.No.518 of 2022
in C.S.D.No.113774 of 2021

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P.VELMURUGAN, J.,

In a suit for damages, this application has been filed seeking leave to sue against the defendant.

2.According to the learned counsel for the applicant/plaintiff, the part of cause of action has arisen within the jurisdiction of this Court. This application is filed since the respondent/defendant is residing at Urapakkam, which is outside the territorial jurisdiction of this Court.

3.The learned counsel for the respondent/defendant has filed their detailed counter affidavit, disputing the allegations made by the applicant/plaintiff regarding the defamatory words, damages and merits of the case.

4.Heard both sides and perused the materials available on record.

5.The contention raised by the learned counsel for the respondent is



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touching upon the merits of the case and the same can be decided at the time of trial, but not at this stage.

6.It is settled proposition of law that as per Clause 12 of the Letters Patent, in the case of suits on land or other immovable property, such land or property shall be situated within the jurisdiction of this Court or in all other cases, if the cause of action have arisen, either wholly, or in part, within the local limits of the ordinary original jurisdiction of the said High Court or if the defendant at the time of the commencement of the suit, shall dwell or carry on business, or personally work for gain, within such limits, the leave of the Court shall have to be first obtained.

7. On a perusal of the plaint averments, it is clear that a part of cause of action has arisen within the jurisdiction of this Court and hence, the applicant/plaintiff is entitled to get the relief as prayed for. Accordingly, leave is granted.



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8. Registry is directed to take the suit on file, if it is otherwise in order and number the same and place it before the Assistant Registrar (Original Side) for service of summons.

13.04.2022

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