



A.No.1249 of 2022

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**P.V ELMURUGAN, J.**

This application has been filed seeking leave of this Court to sue the respondents 1, 2, 3, 7, 8 and 9 for the reliefs sought for as they are residing outside the territorial jurisdiction of this Court.

2 The applicants/plaintiffs filed the present suit for partition. It is seen that the schedule mentioned properties are situated within the territorial jurisdiction of this Court and since some of the defendants are residing outside the jurisdiction of this Court, the applicants/plaintiffs came up with this application seeking leave of the Court.

3 Despite service of notice and names of the respondents are also printed in the cause list, none appeared. Even though, a counsel has filed vakalat for some of the respondents, the same has been returned and so far not re-presented.

4 As per Clause 12 of the Letters Patent Act, as far as suit for land or immovable properties is concerned, the Court, within which the properties



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situated alone has got jurisdiction to entertain the suit and in all other cases, if the cause of action shall have arisen, either partly or wholly, the suit can be filed. On reading of the prayer sought for in the plaint, it is clear that the suit is not for a land or immovable properties and this suit is for partition. It is settled proposition of law that partition suit is not a suit for land. Therefore, even though in this case, some of the defendants are residing outside the territorial jurisdiction of this Court, the suit properties are situated well within the jurisdiction of this Court. Considering the above facts and also since the respondents have not come forward to raise any objections, this Court is inclined to grant leave.

4 Accordingly, this application is allowed. Registry is directed to take the plaint on file, if it is otherwise in order.

**25.04.2022**

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