



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 24TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.1338 of 2022

in

C.S. No.244 of 2021

C.S. No.244 of 2021:-

1.Gopalji Agarwal,
S/o R.L.Agarwal,
No.17/12, Rajarathinam Street,
Kilpauk, Chennai – 600 010.

2.Sanjay Agarwal,
S/o S.M.Agarwal,
No.4A, Samarpan, 46 Landons Road,
Kilpauk, Chennai – 600 010.

...Plaintiffs

-Versus-

1.Hotel Arusuvai Pvt. Ltd.,
Rep. By its Managing Director,
Sunguvar Chatram,
Kanchipuram District – 602 106.

2. A Mathiyalagan,
S/o T.Andy Nadar,
No.1, Gandhi Nagar, First Main Road,
Kilkatalai, Chennai – 600 117.

3.A.Raghupathy,
S/o T.Andy Nadar,
No.5, 23rd Street,
Nanganalur, Chennai – 600 061.

... Defendants

**A.No.1338 of 2022:-**

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1. A Mathiyalagan,
S/o T.Andy Nadar,
No.1, Gandhi Nagar, First Main Road,
Kilkatalai, Chennai – 600 117.

2.A.Raghupathy,
S/o T.Andy Nadar,
No.5, 23rd Street,
Nanganalur, Chennai – 600 061.

... Applicants

Vs.

1.Gopalji Agarwal,
S/o R.L.Agarwal,
No.17/12, Rajarathinam Street,
Kilpauk, Chennai – 600 010.

2.Sanjay Agarwal,
S/o S.M.Agarwal,
No.4A, Samarpan, 46 Landons Road,
Kilpauk, Chennai – 600 010.

3.Hotel Arusuvai Pvt. Ltd.,
Rep. By its Managing Director,
Sunguvarchatram,
Kanchipuram District – 602 106.

... Respondents

Application praying that this Hon'ble Court be pleased to revoke the leave granted in Appln.No.1778/2021 dated 22.04.2021 as against the applicants/defendants 2 and 3.

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

This application has been filed by the applicants/defendants 2 and 3 to
revoke the leave granted in Application No.1778 of 2021 dated 22.04.2021



as against the the applicants/defendants 2 and 3.

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2. Respondents/plaintiffs filed the suit for recovery of money in C.S.No.244 of 2021.

3. Already, the respondents/plaintiffs filed an application in A.No.1778 of 2021 seeking leave of this Court to file the suit. Based on the learned counsel for the applicants/plaintiffs in that application that though all the defendants are residing outside the jurisdiction of this Court, cause of action has taken place only within the jurisdiction of this Court, this Court also considered that cause of action has arisen only within the jurisdiction of this Court, granted leave. This present application has been filed by the applicants/defendants 2 and 3 to revoke the leave granted by this Court on 22.04.2021.

4. Learned counsel for the applicants submitted that all the defendants are residing outside the jurisdiction of this Court and borrowed money only for purchasing the property, which is also lies outside the jurisdiction of this Court. Therefore, this Court has no territorial jurisdiction. Hence, the leave granted by this Court has to be



reliance upon the judgment reported in 2011 (3) LW 376 [M/s.Murthy Hosiery Mills represented by its Managing Partner, Miller R.T.Murthy and another Vs. The State Bank of India, represented by tis Chief General Manager, Chennai.

5. Learned counsel for the respondents/plaintiffs submitted that even at the time of granting leave, the Court heard exclusively and decided that the whole cause of action has arisen within the jurisdiction of this Court. Though, the defendants are residing outside the jurisdiction of this Court, leave was granted. Hence, there is no merit in the application and the same is liable to be dismissed.

6. Heard the learned counsel appearing on either sides and perused the materials available on record.

7. According to the applicants, part of cause of action lies outside the jurisdiction of this Court. Since the defendants are residing outside the jurisdiction of this Court, this Court has no jurisdiction to entertain the suit and the leave has to be revoked. Para 4 of the averments in the plaint which clearly shows that the amount paid in the house of the plaintiffs.

Admittedly even the applicants have also admitted that the plaintiffs are



residing in Chennai ie., within the jurisdiction of this Court. Loan transaction also has taken place at the house of the plaintiffs ie., at Chennai.

Therefore, cause of action has arisen only in Chennai, ie., within the jurisdiction of this Court. The applicants have not made out the case that the cause of action not arisen within the jurisdiction of this Court. The citations referred by the learned counsel for the applicants are not applicable to the present case on hand.

8. In view of the above, this application is dismissed.

9. List the suit on 07.04.2022, for framing issues.

Sd./-PVJ.

24/03/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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EVK 31/03/2022