



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

S.A.NO.595 OF 2013
AND M.P.NO.1 OF 2013

M/s.Roger Pharmaceuticals
Rep. by its Prop.
P.R. Gopal
S/o. Ponnaiah
Reg. Office at Old No.18/1 New No.10/2
Ebrahim sait street
Kondithope
Chennai -600 079

...Appellant/
Plaintiff in Trial Court

Vs.

Tamilnadu Industrial Investment Corporation
Rep. by its Managing Director
No.473, Anna Salai, Nandanam,
Chennai - 600 035.

...Respondent/
Defendant in Trial Court

PRAYER:

Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 07.08.2012 passed in A.S.No.530 of 2010 on the file of II Additional City Civil Court, Chennai confirming the Judgment and Decree dated 23.06.2009 passed in O.S.No.6359 of 2004 on the file of the XV Asst. City Civil Court, Chennai.

For Appellant : Mr.M.Manivannan

For Respondent : Mr.K.Magesh



JUDGMENT

The plaintiff is the appellant in this Second Appeal.

2.The case of the plaintiff is that one M/s.Brilliant Pharmaceuticals Private Limited was granted a term loan facility by the defendant and the said Company executed a registered simple mortgage and also executed an equitable mortgage. The proprietor of the plaintiff herein and his wife were the Managing Director and the Director of the said Company. The loan amount was not repaid and hence, the loan was foreclosed and it was recalled.

3.The grievance of the plaintiff is that the defendant had taken away the goods and machineries of one Roger Pharmaceuticals which was run by the plaintiff. Therefore, the plaintiff filed the suit for mandatory injunction and perpetual injunction.

4.Both the Courts below on considering the facts and circumstances of the case and also after appreciating the oral and documentary evidence found that the plaintiff was repeatedly filing one case after another to thwart the attempts of the respondent Corporation to bring the property for sale to recover the loan amount and it was found that there were absolutely no bonafides in the present suit filed by the plaintiff.

5.Both the Courts concurrently found that the suit properties were situated outside the jurisdiction of Thiruvallur District and Courts did not have the territorial jurisdiction to deal with the suit.

6.In the considered view of this Court, there are absolutely no grounds to interfere with the judgments passed by both the Courts below. The Courts below were absolutely right in dismissing the suit due to lack of territorial jurisdiction. No substantial questions of law are involved in the present second appeal.

7.In the result, the second appeal stands dismissed. Considering the facts and circumstances of the case, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

ssr

Sub Assistant Registrar



To

1. The II Additional City Civil Court Judge,
Chennai.
2. The XV Asst. City Civil Court Judge,
Chennai.

Copy To

The Section Officer,
VR Section, High Court,
Madras.

+3ccs to Mr.M.Manivannan, Advocate, S.R.No.8877
+1cc to Mr.K.Magesh, Advocate, S.R.No.8854

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and M.P.No.1 of 2013

GPL (CO)
PM/02/03/2022