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A.No.3526 of 2021 in
C.S.No.25 of 2021

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P.V ELMURUGAN, J.

The respondent/plaintiff has filed the above suit for the relief of recovery of money. After service of summons, the defendants appeared and have filed this application seeking to revoke the leave to sue granted to the respondent/plaintiff by this Court on 18.01.2021.

2 Heard the learned counsel appearing on either side and perused the materials available on record.

3 It is the contention of the learned counsel for the applicants/defendants that the mortgaged properties are situated outside the territorial jurisdiction of this Court, based on which the plaintiff has sought for the reliefs in the suit. Therefore this Court has no jurisdiction to entertain the suit and the leave granted by this Court has to be revoked, since the suit is liable to be dismissed for want of jurisdiction.



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4 The contention of the applicants/defendants has been opposed by the learned counsel for the respondent/plaintiff stating that it is not a suit for land and all the defendants are residing in Chennai, within the jurisdiction of this Court and hence there is no reason to revoke the leave granted by this Court and this application is liable to dismissed.

5 Admittedly the suit has been filed for recovery of money and in default, to sell the mortgaged properties and sale proceeds applied in an towards payment of the amount due to the plaintiff. 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 situated alone has got jurisdiction to entertain the suit and in all other cases, if the cause of action shall have arisen, either wholly or if the defendant at the time of commencement of the suit shall dwell or carry on business or personally work for gain. Even though in this case, the mortgaged properties are situated outside the jurisdiction of this Court, all the defendants are residing in Chennai only, within the jurisdiction of this Court. On reading of the prayer sought for in the suit, it is clear that the suit is not for a land or immovable properties and the suit is for recovery of mortgage debt, failing which, the



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mortgaged property has to be brought on sale for realising the mortgage debt. It is settled proposition of law that the mortgage suits are not suits for land or other immovable properties and mortgage suits can be filed in the High Court even though the mortgage properties are situated outside the original jurisdiction. Hence the contention raised by the learned counsel for the applicants is not acceptable and this Court considering the above facts has rightly granted leave, which cannot be revoked for the reason stated by the applicants/defendants.

6 Accordingly, this application is dismissed. The applicants/defendants are directed to file their written statement on or before 11.04.2022.

List the main suit on 12.04.2022.

24.03.2022

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