



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 17TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.4202 of 2021
in
A.No.2930 of 2014
in
C.S.(D).No.14140 of 2014

C.S.(D).No.14140 of 2014 & A.No.2930 of 2014:-

1. Mr. V. Poologapandian,
Son of P. Velaiah,

2. Mr. V. Muthupandian,
Son of P. Velaiah,

Both jointly carrying business
At M/s. Abi Real Estates,
having office at
No.2, J.J. Complex, Thirumangalam,
Anna Nagar (West), Chennai - 600 040.

...Applicants/Plaintiffs

versus

1. Mr. G.N.V.MohanRaju,
Son of G.Venkatasamy Raja,
Vas Residency,
Flat No. A-5, No. 23, Saravana Street,
T. Nagar, Chennai - 600 017.

2. Mr. G. M. Sivakumar,



Son of G.N.V.MohanRaju,
No. 2C, RamaniamMahalakshmiAppartments,
No. 33/82, MoahalakshmiKoil Street,
Besant Nagar, Chennai - 600 090.

...Respondents/Defendants

A.No.4202 of 2021:-

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S/o. G.Venkatasamy Raja,
Vas Residency,
Flat No. A-5, No. 23, Saravana Street,
T. Nagar, Chennai - 600 017.

2. Mr. G. M. Sivakumar,
S/o. G.N.V.Mohan Raju,
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...Applicants/Defendants

versus

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S/o. P. Velaiah,

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S/o. P. Velaiah,

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...Respondents/Plaintiffs



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Application praying that this Hon'ble Court be pleased to pass an order to revoke the order leave granted ex parte by this Hon'ble Court in its order dated 29-04-2014 and made in A. No.2930 of 2014 in C.S.D.No.14140 of 2014.

This Application having been heard on 14.03.2022 in the presence of Mr. A.Arumugam, Advocate for the Applicants herein and Mr. R. Balachandran, Advocate for the respondents herein and upon reading the judge's summons and the affidavit of G.N.V.Mohan Raju filed herein and the order dated 29.04.2014 made in A.No.2930 of 2014 and having stood over for consideration till this date and coming on this day before this Court for orders in the presence of said advocates for the parties hereto and the learned counsel for the applicants/defendants contended that the reliefs sought for in the suit itself is a suit for land and such land is situated outside the territorial jurisdiction of this Court and hence the leave granted by this Court has to be revoked and this Court having observed that for want of territorial jurisdiction a plaint can not be rejected, it can be either returned to the plaintiff to present before the proper Court or the Court itself can send the plaint to the Court which has got territorial jurisdiction



over the suit property and since in this case till now the plaint has not been taken on file and also not numbered, **it is ordered:-**

That the Registry, be and is hereby directed to return the plaint to the plaintiff for enabling him to present before the Competent Court which has got the jurisdiction over the suit property.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 17TH DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR(O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ARS
30.03.2022

5

A.No.4202 of 2021
in
A.No.2930 of 2014
in
C.S.(D).No.14140 of 2014

ORDER

DATED : 17.03.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 31.03.2022

APPROVED ON : 05.04.2022



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...Applicants/Defendants

versus

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...Respondents/Plaintiffs

Application praying that this Hon'ble Court be pleased to pass an
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C.S.D.No.14140 of 2014.

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This Application coming on this day before this Court for hearing,

the Court made the following order:-

This application has been filed seeking to revoke the ex-parte order of leave granted by this Court on 29.04.2014.

2 The learned counsel appearing for the applicant would submit that the suit filed by the respondents/plaintiffs is not maintainable. The reliefs sought for by the respondents/plaintiffs itself is a suit for the land and such land is not within the vicinity of territorial jurisdiction of this Court and it is situated much away at Viralur Village, Elappur Taluk, Pudukottai District. Even the applicants/defendants are not the permanent resident covering territorial jurisdiction of this Court. To support his contentions, the learned counsel relied on the decision of Division Bench of this Court reported in *2019 3 CTC 228 (K.Paranthaman, Proprietor, American Organic Food Products vs. C.Padmanabhan; Ohm Water Beverages Company and others)*.

3 Placing reliance on the above decision, the learned counsel for the applicants/defendants contended that the suit filed for by the respondents/plaintiffs is for a land and the same is not maintainable, since



the land situated outside the territorial jurisdiction of this Court. Therefore the leave granted by this Court has to be revoked and the plaint is liable to be rejected.

4 Learned counsel appearing for the respondents/plaintiffs would submit that in the plaint, the plaintiffs have sought for the relief of specific performance and for permanent injunction against the applicants/defendants. It is not a suit for land and hence the leave granted by this Court is reasonable and the plaint is also in order. Further, the respondents/defendants are residing in the address shown in the plaint, which comes within the jurisdiction of this Court and hence the suit is maintainable. The contentions raised by the applicants/defendants is liable to be rejected.

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

6 It is seen that the respondents/plaintiffs filed the suit for specific performance, permanent injunction, direction for recovery of money and for compensation. This Court by order dated 29.04.2014 granted leave and the applicants filed the present application seeking to revoke the



same on the ground of maintainability.

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7 It is the contention of the learned counsel for the applicants/defendants that the reliefs sought for in the suit itself is a suit for land and such land is situated outside the territorial jurisdiction of this Court and hence the leave granted by this Court has to be revoked. It is relevant to refer the decision of the Hon'ble Supreme Court reported in **(2001) 7 Supreme Court Cases 698 (Adcon Electronics Pvt. Ltd., vs. Daulat and another)**, wherein it was held as follows:

18. In the instant case the suit is for specific performance of the agreement for sale of the suit property wherein relief of delivery of the suit property has not been specifically claimed, as such it cannot be treated as a "suit for land".

19. We cannot accept the contention of Mr.Chitale that the suit is for acquisition of title to the land and is a "suit for land". In its true sense, a suit simpliciter for specific performance of contract for sale of land is a suit for enforcement of terms of contract. Th title to the land as such is not the subject-



squarably applicable to the present case on hand and the contention raised by the learned counsel for the applicants is answered and his application to revoke the leave granted by this Court is liable to be allowed.

11 However, for want of territorial jurisdiction a plaint can not be rejected, it can be either returned to the plaintiff to present before the proper Court or the Court itself can send the plaint to the Court which has got territorial jurisdiction over the suit property. Since in this case till now the plaint has not been taken on file and also not numbered, the Registry is directed to return the plaint to the plaintiff for enabling him to present before the competent Court which has got the jurisdiction over the suit property.

12 With the above terms, the Application is partly allowed.

Sd/-P.V.J.
17.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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