



C.R.P.No.1558 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

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THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.1558 of 2019

Charlet Sandra .. Petitioner
Vs.

1. R.Jagan
2. Varshini .. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decreetal order dated 21.02.2019 and made in Unnumbered O.S.No. of 2018 (O.S.S.R.No.75095 of 2018) on the file of the I Assistant City Civil Judge at Chennai and allow the above Civil Revision Petition on the file of this Hon'ble Court.

For Petitioner : Mr.S.Mahimai Raj
For Respondents : Mr.J.Ram

ORDER

This Civil Revision Petition has been filed as against the order and decreetal order dated 21.02.2019 made in Unnumbered O.S.No. of 2018 (O.S.S.R.No.75095 of 2018) on the file of the learned I Assistant City Civil Judge at Chennai, thereby rejected the plaint on the ground of



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no territorial jurisdiction.

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2. The petitioner is the plaintiff and the respondents are the defendants. The plaintiff filed a suit for recovery of money. Admittedly, the petitioner as well as the respondents are residing in the address mentioned in the petition. Though, the petitioner averred in the plaint that the respondents approached her in the month of April 2018 at her office at No.C706, Riverdale Apartments, Kotturpuram 4th Main Road Extension, Chennai-600 085, the entire work which was done by the petitioner is outside the territorial jurisdiction of the Trial Court. The interior works were done by the petitioner in the flat situated at U2 Euphoria, Elcot Avenue, Sholinganallur, Chennai-600 119. That apart, though the petitioner averred in the plaint that the respondents approached her in the above said address, no proof was filed with the suit that she was running an office in the said address. However, the Court below instead of returning the plaint to be presented before the correct territorial jurisdictional Court, rejected the plaint. If at all the Trial Court has no territorial jurisdiction to try the suit, the Trial Court ought to have returned the plaint to be presented before the territorial jurisdictional



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Court.

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3. Therefore, the order passed by the Court below is liable to be set aside. The plaint in O.S.(SR).No.75095 of 2018, is hereby returned. The petitioner is at liberty to present the same before the territorial jurisdictional Court, within a period of two weeks from the date of receipt of the original plaint from the Registry of the Court below. Registry of the Court below is directed to return the plaint with all Court fees, within a period of one week from the date of receipt of a copy of this order.

4. Accordingly, the order and decretal order dated 21.02.2019, made in Unnumbered O.S.No. of 2018 (O.S.S.R.No.75095 of 2018) on the file of the learned I Assistant City Civil Judge at Chennai, is hereby set aside.

5. In view of the above, this Civil Revision Petition is allowed. No costs.



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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

The I Assistant City Civil Judge, Chennai.

G.K.ILANTHIRAIYAN,J.

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