



A.No.4470 of 2023 in
C.S.DR.No.74447 of 2023

WEB C **R.N.MANJULA,J.**

This application has been filed seeking leave to the applicants / plaintiffs to sue the respondents / defendants for the property situated outside the jurisdiction of this Court.

2. The applicants are the plaintiffs and the respondents are the defendants in the above suit. The plaintiffs have filed a suit for partition of the suit schedule properties and for permanent injunction.

3. The learned counsel for the applicants / plaintiffs submitted that the above suit is filed for partition of Item No.1 and Item No.2 of the suit schedule properties, whereas Item No.1 is situated within the jurisdiction of this Court and Item No.2 is situated in Mogappair which is outside the jurisdiction of this Court. Therefore the applicants / plaintiffs have filed this application to permit the applicants to try Item No.2 of the suit property jointly along with Item No.1 of the suit mentioned property.



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4. The Plaintiffs have filed the suit for partition. The Court which shall have the jurisdiction to entertain the suits of this nature will be the Courts in whose jurisdiction the properties are situated. The applicants / plaintiffs have filed this application seeking leave to sue as against the properties which are situated outside the jurisdiction of this Court also in this suit.

5. Considering the submission made by the learned counsel for the applicants / plaintiffs and also by making reference to the order passed by this Court in **A.Nos.4846 & 4847 of 2021 in C.S.No.496 of 2017 dated 29.08.2023**, on similar facts and by placing reliance on the judgments of the Hon'ble Division Bench of this Court in ***Bank of Madurai Ltd. Vs. Balaramadass & Brothers and Ors reported in AIR 1985 Mad 1 and A.Giridhar & Another Vs. A.Suresh & Others, reported in 1988 2 L.W 308***, leave is granted.

6. Accordingly, this application is allowed.

30.08.2023

gsk