



WEB COPY

A.No.3033 of
in C.S.SR.No.72655 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.07.2023

PRONOUNCED ON : 10.08.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

A.No.3033 of 2023
in C.S.SR.No.72655 of 2023

A.Inbasekar

...

Applicant / Plaintiff

versus

Raju L.Bathija

...

Respondent / Defendant

PRAYER: Application filed under Order XIV Rule 8 of O.S. Rules Order II Rule (3) of O.S.Rules and Clause 14 of Letters Patent, praying to permit the applicant / plaintiff to combine the cause of action against the respondent / defendant to the above suit.

For Applicant

: Mr.R.Lakshmi Narasimhan
for Mr.P.Chandrasekar

For Respondent

: Mr.N.C.Ashokkumar

ORDER

This application has been filed to combine the cause of action against the respondent / defendant in the above suit.



2. Heard the learned counsels for the applicant / plaintiff and the respondent / defendant and perused the materials available on record.

The averments of the application in brief:-

3. The applicant / plaintiff had filed the suit on the allegation that he had advanced a loan of Rs.8,00,00,000/- to the defendant and further loan of Rs.1,95,00,000/- to the defendant's wife on various occasions through his bankers; the defendant and his wife issued separate cheques in favour of the plaintiff in order to discharge their liability and the details of the cheques have been tabled in the plaint; the total amount drawn and given through the cheques by the defendant aggregates to Rs.3,50,00,000/- and the total amount of the cheques issued by the defendant's wife aggregates to Rs.4,50,00,000/-.

3.1. Since those cheques have been dishonoured as “*payments stopped by the drawer*”, the plaintiff is not able to get back the money and so he filed the suit for recovery of the total amount dishonoured through the cheques issued by the defendant and his wife along with the interest; the



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principal sum is taken as Rs.3,50,00,000/- and the interest on the same is calculated at Rs.1,12,00,000/- and the suit claim is calculated at Rs.4,62,00,000/-; the *advoleram* Court Fee has also been paid under Section 22 of the Tamil Nadu Court Fees and Valuation Act 1955.

4. The loan transactions is said to have occurred within the jurisdiction of Chennai where the plaintiff had advanced loan to the defendant and his wife on various dates from October 2018. The Registry has raised the following maintainability point and returned the plaint. Among the four defects, 4th defect is that *“each of the cheque constitutes a separate cause of action and since none of them is above the pecuniary jurisdiction of this Court. It may be stated as to how the suit can be entertained.”*

5. The pecuniary jurisdiction of the High Court as on today is above Rupees One Crore. So far as the joinder of several causes of action is concerned reference can be made to Clause 14 of Letters Patent for High Court of Madras.



6. Clause 14 of Letters Patent for High Court of Madras is extracted hereunder:-

“14. Joinder of several causes of action.-And We do further ordain that where plaintiff has several causes of action against defendant, such causes of action not being for land or other immovable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order for trial of the same as the High Court shall seem fit.”

7. According to the Registry atleast the cause of action in one transaction out of series of transaction ought to have been more than 1 Crore. From the allegation of the plaint, it is seen that the plaintiff had advanced a sum of Rs.8,00,00,000/- and the repayment by the defendant and his wife was made through various cheques.



8. So the cause of action for the applicant / plaintiff has arisen even before the cheques were issued towards the repayment by the defendant and his wife and the value of the same is above 1 Crore. Further the cause of action for the plaintiff would arise on several occasions when he advanced loan which aggregates to Rs.8,00,00,000/- which also exceeds the minimum pecuniary jurisdiction limit of the High Court. So there need not be any confusion in view of the payments done through various cheques to the tune of Rs.3,50,00,000/-. In any case, the suit comes under the pecuniary jurisdiction of this Court.

9. In the result, the application in A.No.3033 of 2023 is allowed.

10.08.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Note: Registry is directed to number the suit, if it is otherwise in order.

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R.N.MANJULA, J.

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Pre-Delivery Order made in
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in C.S.SR.No.72655 of 2023

10.08.2023