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C.R.P.No.1737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1737 of 2024

C.V.Lingesan,
S/o.Vedhachalam,
Proprietor,
Technique Engineers,
No.1, Tagore Street,
Krishnapuram, Ambattur,
Chennai-600 053.

... Petitioner

Vs.

D.Ezhumalai,
Proprietor,
Diversified Coating Technology,
No.2, Mahanadi Street,
Sindhu Nagar,
Chennai-600 054.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket order dated 14.02.2024 in unnumbered COS SR No.531/2023 passed by learned District Judge, Commercial Court, Egmore, Chennai-600 008 and to allow C.R.P(SR)No.32433 of 2024.



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For Petitioner : Mr.R.Sethupandian

For Respondent : No Appearance

ORDER

This civil revision petition has been filed to set aside the docket order, dated 14.02.2024 in C.O.S.SR.No.531 of 2023 passed by the learned District Judge, Commercial Court, Egmore, Chennai.

2.The learned counsel for the petitioner/plaintiff submitted that the order passed by the Commercial Court is arbitrary, illegal and not sustainable in the eye of law. The plaint filed by the petitioner is for a direction directing the defendant to pay the plaintiff for a sum of Rs.43,37,648/- together with future interest at the rate of 12% per annum and for other relief. The petitioner/plaintiff and the respondent/defendant are known to each other for quite sometime as business friends. The respondent/defendant demanded money for development of business. The petitioner/plaintiff with his wife Akila Lingesan and with her knowledge lent money from his bank account in Axis Bank, Virugambakkam Branch in Account No.911020015288771 through RTGS to the respondent's bank



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account No.307700301000054 Vijaya Bank, Thiruvallur Branch for a sum of Rs.44,48,600/- on various dates from 24.10.2018 to 15.06.2020. The details of remittance from the petitioner's bank account to the account of the defendant and the respondent/defendant made some interest payments to the tune of Rs.9,89,925/- from his bank account to the petitioner's bank account Kotal Mahindra Bank at Teynampet, Chennai have been tabulated in plaint. For the dues, suit filed. The documents annexed in the suit are statement of account of petitioner, transfer details of the defendant and the legal notice sent. The Lower Court returned the plaint on 14.02.2024 stating that the subject matter of the property described in document No.9 situated outside the territorial jurisdiction of the Court and the plaint is hit by Section 16 and 20(a) of C.P.C and made observation to represent the plaint only before proper forum.

3.Considering the submissions and on perusal of the materials, it is seen that the suit is for recovery of money which was advanced to the respondent/defendant through bank. The petitioner's bank situated in Chennai and the remittance of the interest by the respondent made through



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bank which is situated in Chennai. Hence, part of cause of action happened in Chennai and the Commercial Court in Chennai has got jurisdiction to entertain the plaint filed by the petitioner.

4.In view of the same, the impugned docket order, dated 14.02.2024 passed by the learned District Judge, Commercial Court, Egmore, Chennai in C.O.S.SR.No.531 of 2023 is set aside. Accordingly, this civil revision petition stands allowed. No costs.

01.08.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes

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To

The District Judge,
Commercial Court,
Egmore, Chennai.



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M.NIRMAL KUMAR, J.

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