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C.R.P.(PD).Nos.4121 and 4122 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.4121 and 4122 of 2019

CRP (PD) No.4121 of 2019

M/s.Premix Concrete Solutions Private Limited,
No.11, Railway Station Road,
Alandur, Chennai – 600 016.

... Petitioner

vs.

K.L.Construction Company,
C-58, Grah Malani Society Opp,
Sanik Visaram Garh Dharma Nagar,
Barmer, Rajasthan – 345 001.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition against the Docket order dated 25.02.2019 and to number and dispose on maintainability O.S.S.R.No.1549 of 2019 on the file of the City Civil Court, Chennai.

For Petitioner	: M/s.V.Aishwarya for M/s.R&P Partners
For Respondent	:No appearance



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CRP (PD) No.4122 of 2019

GAE Projects Private Limited,
No.11, Railway Station Road,
Alandur, Chennai – 600 016.

... Petitioner

vs.

Raneja Construction Company,
132 KV, Police Chokki Back Side,
Sindhari Road, Ramnagar,
Barmer,
Rajasthan – 345 001.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition against the Docket order dated 25.02.2019 and to number and dispose on maintainability O.S.S.R.No.1548 of 2019 on the file of the City Civil Court, Chennai.

For Petitioner	: M/s.V.Aishwarya for M/s.R&P Partners
For Respondent	:No appearance

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below directing return of the plaint on the ground of



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territorial jurisdiction with direction to the petitioner to present it before the Court having jurisdiction to entertain the plaint.

2. The plaintiffs are in the business of supplying Ready Mix Concrete for construction. The defendant approached the plaintiff for supply of concrete for use in their sites Barmer, Rajasthan. According to the plaintiff, based on the order made by the respondent, the Ready Mix Concrete was supplied to the respondent in Barmer from their factory at Rajasthan. It was claimed by the petitioner that the bill and invoices for the same was raised at Chennai and handed over to the representatives of the respondent. It was also averred by the petitioner that offer and acceptance of the contract for supply of Ready Mix Concrete was concluded at Chennai and therefore, the substantial portion of cause of action arose within the territorial jurisdiction of Court at Chennai. It was claimed by the petitioner that various payments of the respondent/defendant was made to the plaintiff's office at Chennai.

3. From the averments found in the plaint, the Ready Mix



Concrete was supplied to the defendants by the plaintiffs from their factory at Rajasthan. Therefore, the supply of Ready Mix Concrete and receipt of the same were outside the jurisdiction of Court at Chennai. It is the case of the petitioner the offer and acceptance of the contract for supply of Ready Mix Concrete was concluded at Chennai and payments were also made at Chennai.

4. It is seen from the cause title of the plaintiff shown in the plaint, the plaintiff is having office at No.11, Railway Station Road, Alandur, Chennai – 600 016. Even, it is taken that substantial portion of cause of action like, offer, acceptance, payments etc., were made in the office of plaintiff at Alandur, Chennai – 16, as per their plaint averment, Alandur is located outside the territorial limits of City Civil Court, Chennai. When the official address of the plaintiff is at Alandur outside the territorial limits of City Civil Court, Chennai, it cannot entertain plaint. If at all, the petitioner can file the suit only before the Court having territorial jurisdiction over Alandur, where its head office is located. Therefore, the City Civil Court, Chennai has no jurisdiction to entertain the plaint. The Court below rightly



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returned the plaint with direction to present it before the proper forum having territorial jurisdiction.

5. I do not find any illegality or infirmity in the order passed by the Court below and accordingly, both the Civil Revision Petitions are dismissed. The petitioner is given one month time from the date of receipt of this order to present the plaint before the Court having territorial jurisdiction to entertain the suit.

6. Accordingly, these Civil Revision Petitions are dismissed. No costs.

05.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The City Civil Court, Chennai.

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S.SOUNTHAR, J.

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