



A. No.2795 of 2014 in C.S. No.444 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

A.No.2795 of 2024

in

C.S.No.444 of 2013

ORDER

This application has been filed by the 2nd Defendant in C.S.No.444 of 2013 to revoke the leave granted in A.No.2754 of 2013 dated 03.07.2013 as the same suffers jurisdiction.

2. The learned counsel for the Applicant submits that as the suit Schedule mentioned property is situated at Okkiyam- Thoraipakkam Village, the suit property falls under the jurisdiction of the Principal District and Sessions Court, Chengalput. However, for reasons best known, the 1st Respondent/Plaintiff has chosen to file the present suit before this Hon'ble Court without any jurisdiction. Hence, the relief sought by the 1st Respondent/Plaintiff cannot be granted. Hence, he seeks



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the relief as prayed for.

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3. The learned counsel for the 1st respondent submits that in A.No.2754 of 2013 filed by the plaintiff, this Court by Order dated 03.07.2013 has granted leave and the suit has been numbered. After 11 years of filing of the Civil suit and filing many applications, with no protest, the Applicant/2nd defendant has come up with the application, is clearly not maintainable, barred by limitation and liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. On perusal of the records, it is seen that this Court by order dated 03.07.2013 granted leave in A.No.2754 of 2013 filed by the plaintiff/1st respondent herein considering the cause of action of the suit. Thereafter, the applicant/2nd defendant has filed A.No.3196 of 2018 seeking for rejection of the plaint on the ground that the suit is not maintainable before this Court. However, the said application was dismissed by this Hon'ble Court on 15.03.2024.



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6. In the Written Statement filed by the applicant/2nd defendant, he has not raised any question of jurisdiction in filing the suit. If there is any objection in the jurisdiction, the applicant/2nd defendant ought to file application seeking for revocation of leave granted by this Court, subsequent to the order 03.07.2013 before filing the application in A. No. 3196 of 2018 seeking for rejection of plaint. However, the present application has been filed after 11 years from the date of leave granted by this Court with the intention to protract the suit proceedings.

7. In view of the above, the application stands dismissed. No costs.

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Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
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A.A.NAKKIRAN, J.
lbm

**Pre-Delivery Order in
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in
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