



WEB COPY



A.No.2339 of 2022

in

C.S.No.49 of 2018

N.SATHISH KUMAR.J.,

This application has been filed by the defendants seeking to revoke the leave granted to the respondent/plaintiff by order dated 21.12.2027 made in A.No.8574 of 2017 in C.S.No.49 of 2018 to sue against the applicants herein.

2. The leave was obtained on the ground that one of the defendants was residing outside the jurisdiction of this court. The suit has been filed for recovery of money.

3. It is the case of the plaintiff that the defendants borrowed a sum of Rs.1,08,00,000/- on various dates from the year 2012 and the loan account is a running account. Last such loan amount was made in the year 2014. Hence, the suit was laid in the year 2017 within a period of limitation.

4. Now, the defendants have come up with the present application seeking to revoke the leave granted mainly on the ground that the entire cause of action for the suit arose outside the jurisdiction of this court.



5. A counter affidavit has been filed by the plaintiff opposing the application.

6. I have perused the entire materials available on record.

7. The suit has been filed for recovery of money. The loan amount was disbursed through cheques by the plaintiff from the account maintained in the bank situated in Chennai which is within the jurisdiction of this court. In such view of the matter, it cannot be said that there was no cause of action within this court to maintain the suit before this court. As far as two defendants are residing within the jurisdiction of this court, Clause 12 of the Letters Patent makes it clear that when the suit is in respect of movable property, a part of cause of action arose within the jurisdiction of this court, leave can be granted though the defendants reside outside the jurisdiction of this court and the suit can be entertained. Therefore, I do not find any merit in the application and the application is only liable to be dismissed.

In the result, the application is dismissed.

27..02..2024



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