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C.R.P. (PD) .No.2913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.2913 of 2022

and

C.M.P.No.15824 of 2022

1.Harrybhai Stud Farm LLP
Represented by its Partner
Haridas Kondath,
Registered Office at
No.3/851, Sreeharipuram,
Chittilanchety, Palakkad,
Kerala – 678 704.
And having its Farm
SF: 4647,
Unjavelampatty Village, Pollachi.

2.Haridas Kondath

3.Unnikrishnan B.Nair

.. Petitioners

Vs.

Harivarasanan Srinivasan

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in the suit in O.S.No.225 of 2022



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on the file of District Munsif Court, Pollachi, Coimbatore District and to
allow the Civil Revision Petition.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.I.Abrar Mohamed Abdullah

ORDER

The petitioners seeks to strike off the suit in O.S.No.225 of 2022 on the file of District Munsif Court, Pollachi, Coimbatore District on the ground that the parties have agreed to the jurisdiction of the Court at Kochi.

2.The ground of lack of territorial jurisdiction is a waiveable defence. If at all the petitioners are aggrieved, it is up to them to move an appropriate application before the jurisdictional Court. It is not a ground to strike off the suit as it is not an abuse of process of law. It is not by an agreement the parties can confer jurisdiction on a Court which otherwise does not have jurisdiction and that being settled position of law, I am not inclined to entertain this revision to strike off the suit. As pointed out above, it is always open to the petitioners to file appropriate application before the Trial Court to seek the relief which he feels so desired.



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WEB COPY 3. With the above observations, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.04.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The District Munsif Court,
Pollachi,
Coimbatore District.



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V.LAKSHMINARAYANAN, J.
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