



C.R.P(MD)No.1850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1850 of 2024

S.Indhumathi

... Petitioner /
Petitioner /
Landlady

Vs.

B.Radha (Died)

... Respondent /
Tenant

1.R.Latha
2.B.R.Balaji
3.B.R. Vijay

... Respondents /
Respondents /
LRs of the deceased
1st respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the petition and order passed in EP.No.115 of 2019 in RCOP No.7 of 2014, on the file of the Additional District Munsif Court, Madurai Town dated 07.09.2023.

For Petitioner : Mr.H.Arumugam
for Mr.N.Vignesh



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For Respondents : Mr.R.Senthil Kumar

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ORDER

Heard both sides.

2.The petitioner filed RCOP.No.7 of 2014 on the file of Additional District Munsif Court, Madurai Town seeking the eviction of B.Radha on the ground of willful default. RCOP was allowed as prayed for on 15.12.2017. Subsequently, B.Radha passed away. Hence his legal heirs were impleaded as respondents in E.P.No.115 of 2019. Delivery was ordered. Memo was filed by the respondents herein pointing out that the Additional District Munsif Court, Madurai Town did not have the territorial jurisdiction over the subject property. The objection was sustained and EP itself was dismissed. Questioning the same, this Civil Revision Petition has been filed.

3.The issue raised in this revision petition is no longer *res integra*. The learned counsel for the revision petitioner draws my attention to the decision reported in **(2019) 3 SCC 594 (Sneh Lata Goel Vs Pushpalata**



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& Others). It has been held therein that objection regarding want of territorial jurisdiction cannot be raised before the executing Court for the first time. Section 21 of CPC clearly states that objection regarding the territorial jurisdiction must be raised at the earliest possible opportunity. In any event, consequent failure of justice must be demonstrated. The view taken by the executing Court runs counter to the law laid down by the Hon'ble Supreme Court. In this view of the matter, the impugned order is set aside. I wanted to know from the learned counsel for the petitioner if the subject property is located within the jurisdiction of the Additional District Munsif Court, Madurai Town. The learned counsel fairly submitted that from the report given by the ameena it appears that it is located in Virattipathu village which falls outside the territorial jurisdiction of the Additional District Munsif Court, Madurai Town. Even while setting aside the impugned order dismissing E.P.No.115 of 2019, the executing Court is directed to transmit the papers to the executing Court having jurisdiction. This shall be done immediately and without delay. I am ordering such transmission only to comply with the procedural requirements. The order passed by the Rent Controller in RCOP.No.7 of 2014 was not even challenged. Even in EP.No.115 of



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2019, delivery was originally ordered. Hence the transferee Court shall conclude the execution proceedings within a period of two months after the papers are received.

4.This Civil Revision Petition is allowed on these terms. There shall be no order as to costs.

10.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Additional District Munsif Court,
Madurai Town.



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G.R.SWAMINATHAN, J.

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