



C.R.P.Nos.3826 and 3829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM

THE HON'BLE Mr. JUSTICE P.B.BALAJI

**C.R.P.Nos.3826 and 3829 of 2025
and CMP.Nos.20451 and 20453 of 2025**

1.S.Elavazhagan
2.T.Gunasekaran

...Petitioners in both CRPs

Vs.

1.Dr.A.Thanaraj
2.D.Mahalingam

...Respondents in both CRPs

Prayer in CRP.No.3826 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India, set aside the fair and decreetal order dated 09.01.2025 made in I.A.No.2 of 2024 in I.A.No.70 of 2016 in O.S.No.36 of 2014 on the file of the Court of the Additional District Munsif at Alandur, Chengalpet District and allow the above Civil Revision Petition.

Prayer in CRP.No.3829 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India, set aside the fair and decreetal order dated 09.01.2025 made in I.A.No.70 of 2016 in O.S.No.36 of 2014 on the file of the Court of the Additional District Munsif at Alandur, Chengalpet District and allow the above Civil Revision Petition.



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For Petitioners : Mr.B.Dayaalan
(in both CRPs)

For Respondent(s) : Mr.N.Berlin Prabhu
(in both CRPs)

COMMON ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

2. It is the contention of the learned counsel for the revision petitioners that the suit property is situated within the jurisdiction of the City Civil Court, Chennai, the property being located in Velachery. However, the respondents/plaintiffs have chosen to approach the Alandur District Munsif Court and filed the suit. Therefore, the revision petitioners were constrained to take out an application under Order VII Rule 11 of CPC to reject the plaint. However, the said application was dismissed by the Trial Court, against which a revision came to be filed before this Court in C.R.P. No.4422 of 2015, which was disposed of on 26.11.2015, confirming the dismissal of the application for rejection of the plaint under Order VII Rule 11 of CPC.



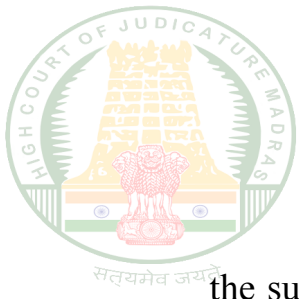
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3. Thereafter, an application was filed by the defendants under Order VII Rule 10 of CPC for returning the plaint to be presented before the proper Court. The said application was also dismissed by the Trial Court. The petitioner herein had conceded before this Court regarding the property being situated within the jurisdiction of Adambakkam, and therefore the Court proceeded to hold that the petition seeking return of plaint was not maintainable.

4. The petitioner also took out an application for appointment of an Advocate Commissioner. The said application also came to be dismissed. Challenging these two orders, these present revision petitions have been filed.

5. The learned counsel for the revision petitioners would take me through the schedule mentioned in the suit as well as various registered documents on the strength of which the suit has been filed. He would point out that the property lies only within the jurisdiction of Velachery Village, which comes within Mambalam-Guindy Taluk, Chennai District, and that



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the suit in respect of the property does not lie before the Courts at Alandur.

He also states that it was never the case of the revision petitioners that the property is situated in Adambakkam.

6. Per contra, the learned counsel for the caveator would state that the suit property lies within the jurisdiction of Adambakkam, and therefore the suit was rightly filed before the District Munsif Court, Alandur. He would also rely on the order of this Court in C.R.P.No.4422 of 2015, where this Court had recorded the concession made by the revision petitioners themselves. Therefore, he states that the order of the Trial Court is in order and does not require any interference.

7. I have carefully considered the rival submissions on either side.

8. It is seen from the schedule described in the plaint that the property is said to be within the jurisdiction of the Chennai city limits. The schedule to the plaint, which is extracted hereunder:-

SCHEDULE – A

Residential apartments in the name of “JAYAM



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BUILDERS”, bearing plot No.4, City Limit Road, Adambakkam, Chennai – 88 measuring an extent of 2880 sq.ft comprised in S.No.116/A in No.137, Velachery Village, Mambalam-Guindy Taluk within the registration district of Chennai South and registration sub district of Velachery bounded as follows:

North by :30 feet wide road

South by:Plot No.5

East by: Plot No.14

West by:40 feet wide road

Measuring

North to South:40 feet

East to West:72 feet

In all 2880 sq.ft land or thereabouts.

9. Though it is mentioned that the postal address of the suit property lies within Adambakkam, Chennai - 88, the suit property falls within the limits of Velachery Village, Mambalam-Guindy Taluk, Chennai District.

10. It is also the specific contention of the learned counsel for the revision petitioners that planning permission for the suit property was issued only by the CMDA, and the building permission was given by the Corporation of Chennai. This clearly demonstrates that the property lies



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within the city limits. The registered documents that were also filed by way of typed set clearly indicate that the suit property lies only within the jurisdiction of the Chennai City Civil Courts and cannot be instituted before the District Munsif Court, Alandur. Insofar as the concession shown by the learned counsel for the petitioners and recorded by this Court in C.R.P.No.4422 of 2015, though this Court has recorded that the counsel for the petitioners fairly conceded that Adambakkam comes within the jurisdiction of the District Munsif Court, Alandur, I am unable to put this against the revision petitioners, for the simple reason that the property is clearly demonstrated to be lying within the territorial limits of the City Civil Court.

11. A passing reference or concession made by the counsel cannot confer jurisdiction. Even assuming that the petitioner had conceded that Adambakkam comes within the jurisdiction of the District Munsif Court, Alandur, when it is beyond any doubt that the suit property lies within the jurisdiction of the Chennai City Civil Court, the suit cannot be proceeded before the District Munsif Court, Alandur. The documentary evidence filed



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clearly points out to the fact that the suit should have been instituted only before the City Civil Court, Chennai, and not before the District Munsif Court, Alandur.

12. In light of the above, I am inclined to interfere with the order of the Trial Court, and the civil revision petition with regard to the return of plaint is allowed. The District Munsif Court, Alandur, Chengalpattu District, shall return the plaint to the respondents/plaintiffs to enable the respondents/plaintiffs to represent the same before the competent Civil Court having territorial jurisdiction.

13. Insofar as the other revision challenging the dismissal of the Advocate Commissioner application is concerned, in view of the fact that the petitioner himself has sought for return of the plaint to be presented before the competent Civil Court, I am unable to justify the conduct of the revision petitioner in taking out an application for appointment of an Advocate Commissioner before a Court which, according to the revision petitioner, does not have competent jurisdiction. Therefore, I am not



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inclined to interfere with the order dismissing the Advocate Commissioner's application. However, it shall be open to the revision petitioner, if necessary and if advised, to take out an appropriate application for appointment of a Advocate Commissioner upon representation of the suit before the competent Civil Court.

14. Considering that the suit is of the year 2014, the transferee Court, upon the suit being represented and numbered, shall expedite the trial and dispose of the suit within a period of nine months from the date of representation of the suit.

15. CRP.No.3826 of 2025 stands allowed and CRP.No.3829 of 2025 stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

20.08.2025

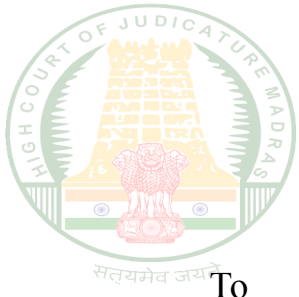
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The Additional District Munsif, Alandur, Chengalpet District.



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P.B.BALAJI. J.

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