



WEB COPY

A NO. 7960 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: -01-2025

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THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A No. 7960 of 2014

in

CS No. 418 of 2012

M. Miyakani And 8 Others
11-3-16venkatapatty St Batlagundu 624 202 Dindigul Dist. and 8
Others

Applicant(s)

Vs

A. Abdul Rahman
10 Savarimuthu Lane Pudupet Chennai 2

Respondent(s)

CS No. 418 of 2012

A. Abdul Rahman
10 Savarimuthu Lane Pudupet Chennai 2

Plaintiff(s)

Vs

M. Miyakani (deceased)
11-3-16venkatapatty St Batlagundu 624 202 Dindigul Dist. and 11
Others

Defendant(s)

A No. 7960 of 2014

For Applicant(s):

M/s. R. Balakrishnan
D. Rajasekar
Applicant 1 - M. Miyakani
Applicant 2 - S Nasarullah
Applicant 3 - M.A. Peer Mohammed
Applicant 4 - S Habib Raja
Applicant 5 - M. Abdul Kapoor (died)
Applicant 6 - M.S. Thameem Ansari



Applicant 7 - K Jaffer Sait
Applicant 8 - P Syed Junaid
Applicant 9 - A Abdul Rahman
Applicant Name Printed As Per B/o Dt:30/08/2024

For Respondent(s):

M/s.T.Velumani
For M/s.G.RM.Palaniappan

ORDER

(Order of the Court was made by the Hon'ble A.A.NAKKIRAN, J.)

This application is filed to reject the plaint in C.S No.418 of 2012.

2. The learned counsel for the applicants/defendants submitted that the respondent/plaintiff has filed the above suit for recovery of a sum of Rs.1,00,00,000/- as damages and for permanent injunction restraining the defendants from making defamatory allegations against him before the general public, any forum, authority or agency. The Wakf Board by its order dated 24.02.2011 appointed the respondent/plaintiff as the President of the Committee of Management of Jamma Periya Pallivasal. Since the plaintiff had committed mal administration, the defendants have given complaint to the higher authorities for initiating action against the respondent/plaintiff for his mal administration and removing him from the post of President of Adhoc Committee. Hence the respondent/plaintiff has filed the above suit. The suit itself is not maintainable and the same is liable to be dismissed on the ground

that no cause of action arose for filing the above suit. This Court has no jurisdiction to try the



above suit since all the defendants are residing at Bathalagundu within the jurisd

District Munsif's Court, Nilakottai, Dindhugal District. The alleged complaints,

representations to the higher authorities were mad at Bathlagundu only. Hence, he prays to

reject the plaint in C.S No.418 of 2012.

3.The learned counsel for the respondent/plaintiff submitted that the present application is not maintainable either in law or on facts. The respondent/plaintiff filed Application No.2668 of 2012 seeking leave to sue to file the above suit within the jurisdiction of this Court, though the applicants/defendants reside outside the jurisdiction of this Court, the cause of action arose at Chennai within the jurisdiction of this Court and the said application was allowed by this Court on 29.06.2012 granting leave to sue against the applicants/defendants in the above suit. The plain reading of the plaint very clearly discloses the cause of action and the cause of action para is very clear on the territorial jurisdiction. Without filing an application to revoke the leave to sue application, the present application to reject the plaint is not maintainable in law. The case is at the stage of trial. Section 20 of CPC very clearly states that the suits can be instituted where defendants reside or cause of action arises. Section 20(c) clearly enumerates that the cause of action wholly or part arises is the place where the suit shall be instituted. The present case clearly falls under Section 20(c) of CPC. Hence the present



application is not maintainable either in law or on facts and the same is liable to



1.

4. This Court heard both sides and also perused the documents available on record.

5. On perusal of records would show that initially, the respondent/plaintiff filed an application in A.No.2668 of 2012 seeking for leave to sue as the defendants are residing outside the jurisdiction of this Court and the said application was allowed by this Court on 29.06.2012. But, however, without filing an application to revoke the order of granting leave to sue, the applicants/defendants have come forward with the present application to reject the plaint, which is not maintainable in law. A reading of the plaint very clearly discloses the cause of action and the cause of action para is very clear on the territorial jurisdiction. Though the suit has been filed in the year 2012, the applicants/defendants have come forward with the present application to reject the plaint with the delay of two years. In such circumstances, this present application is liable to be dismissed.

6. In the result, this application is dismissed. No costs.

(A.A.NAKKIRAN J.)
06-01-2025

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A No. 7960 of 2014

To
1. A. Abdul Rahman
10 Savarimuthu Lane Pudupet Chennai 2