



C.S. No.33 of 2004



Dr.R.N.MANJULA, J.

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On 17.09.2025 this Court has passed the following order:

“The learned counsel for the plaintiff submitted that the monetary jurisdiction of this suit is at this Court and consequent to the enhancement of monetary jurisdiction to the District Courts to Rs.1 crore, the suit ought to have been transferred to the District Court within whose jurisdiction the suit property is situated or the District Court within the jurisdiction of whom the agreement has been executed.

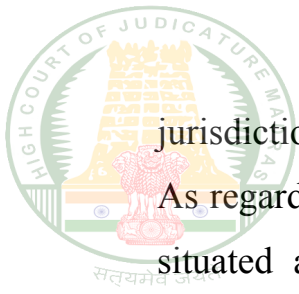
2. But, it appears from the records that even at the time when the suit was filed, leave has been granted to maintain the suit before this Court. Hence, without revoking the leave for any appropriate reasons, this suit cannot be transferred to the file of any other Court on the point of later enhancement of monetary jurisdiction.

3. In view of the leave already granted, the suit is very much maintainable before this Court.

4. Hence, list the matter under the caption for arguments on 24.09.2025.”

2. Subsequently, the learned counsel for the appellant/plaintiff submitted that the mere grant of leave to sue cannot be a ground for resisting the suit being transferred to other courts if the cause of action has arisen within the jurisdiction of that Court.

3. No doubt in the instant suit, due to the enhancement of the monetary



jurisdiction, the suit falls out of the monetary jurisdiction of the High Courts.

As regards the territorial jurisdiction also, it is seen that the suit properties are situated at Guduvancherry within the jurisdiction of the District Court at Chengalpattu.

4. In support of the contention of the learned counsel for the plaintiff that leave to sue cannot be a ground to resist the suit being transferred to the other courts, the judgment of this Court held in ***Dr P.A. Subramanian vs. S. Ramasamy and others***, reported in ***2015 (1) MWN (Civil) 762***, has been cited. In the said judgment, it is held as under:

"13. The Hon"ble Division Bench referred sub-clause (c) of Section 16, which relates to Mortgage Suits. Another Division Bench of this Court in the case of Southern Petrochemical Industries Corporation Ltd. v. Durga Iron Works and 3 others, 1995 (2) CTC 602, also dealt with matter relating to Mortgage Suits situated outside the jurisdiction of Original Side of the High Court and granted leave under Clause 12 of Letters patent.

14. In both the Division Bench Orders, the discussion was the term "the case of the Suits for land or other immovable property, such land or property situated within the jurisdiction of the Original Side of the High Court in other cases cause of action have arisen either wholly or in part, within the jurisdiction of the Original Side of the High Court".

15. However, the case before us relates to right or interest in two immovable properties, one-with in the jurisdiction of this Court, as well as City Civil Court and another, outside the jurisdiction. The Suit was laid before this Court, due to the higher valuation of the Suit.

16. It is not uncommon that the Suits are filed before the City Civil



Court, subject to Pecuniary jurisdiction, where one property situate with in the jurisdiction of the City Civil Court and a part of cause of action arises with in the jurisdiction.

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17. The contention of the Plaintiffs Counsel is that when a leave is granted wider Clause 12 of Letters Patent, the Suit cannot be transferred to City Civil Court. This cannot be accepted. Had it not been for the valuation of the Suit at the time of filing at Rs. 18,40,000/-, the Plaintiff would not have approached this Court, to seek leave as one of the property is situated outside the jurisdiction of this Court. Now, the Pecuniary jurisdiction of the City Civil Court has been increased and the Registry had rightly transferred the Suit to the City Civil Court.”

5. As this court does not retain the jurisdiction over the subject matter both in terms of monetary jurisdiction as well as territorial jurisdiction, I feel it is appropriate to transfer the case files to the Principal District Court, Chengalpet, which has the territorial jurisdiction for taking this on his file and disposing the same.

6. As the suit has reached at the stage of arguments, it would be appreciable if the transferee court endeavours to dispose the suit as expeditiously as possible. The Registry is directed to transfer CS.No.33 of 2004 to the file of Principal District Court, Chengalpet, forthwith.

08.10.2025

jrs



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