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A No. 5904 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A No. 5904 of 2024

in

CS No. 986 OF 2016

Mukund Lal Chandak
Vasundhara, Flat No.8 Third Floor, Old No.27 New No.16 Hindi
Prachar Saba St. T Nagar, Chennai 17 and 6 Others

Applicant(s)

Vs

Yogendra Chandak
100 New No.66 Gn Chetty Road T Nagar, Chennai 17 and another

Respondent(s)

CS NO. 986 of 2016

Mukund Lal Chandak
Vasundhara, Flat No.8 Third Floor, Old No.27 New No.16 Hindi
Prachar Saba St. T Nagar, Chennai 17 and 6 Others

Plaintiff(s)

Vs

Yogendra Chandak
Vasundhara, Flat No.8 Third Floor, Old No.27 New No.16 Hindi
Prachar Saba St. T Nagar, Chennai 17 and another

Defendant(s)

A No. 5904 of 2024

For Applicant(s):

M/s.Srimathi V.
Avinash Wadhwani

For Respondent(s): Mr.L.Palanimuthu

CS No. 986 of 2016



For Plaintiff(s):

M/s.V.Srimathi

No.164 Linghichetty St. Ch-1

M/s.R.VeeramaniFor D2-d.No.1818/17No.160 Thambuchetty St.

Ch-1M/s.L.PalanimuthuPrithvi ChopdaFor D1-

d.No.27046/17No.247 L.C. High Ct. Ch-104D1 & D2 - W/s Filed ;

D1 - Additional W/s FiledIssues Framed On 05/04/2019



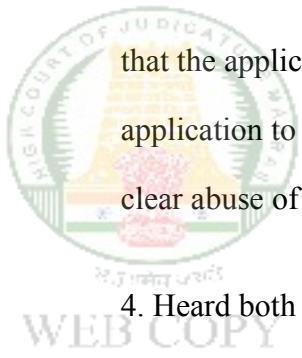
For Defendant(s):

ORDER

This application has been filed to grant leave to sue with respect to the proposed suit "F" schedule property.

2. The learned counsel for the applicants/plaintiffs submitted that the present suit has been filed for partition and permanent injunction and while the suit schedule properties A, B, C, and D fall within the territorial jurisdiction of this Court, they have filed an application to amend the plaint and sought to include the properties purchased from and out of the income generated from the partnership asset as well as the property co-owned by the plaintiffs 3 to 7 and the defendants. He further submitted that one of the suit schedule properties morefully specifically, proposed suit schedule "F" is outside the territorial jurisdiction of this Court and consequently, it is necessary that leave to sue in respect of the same be obtained. He further submitted that substantial part of properties are within the jurisdiction of this Court and likewise, the parties also reside within the jurisdiction of this Court. Hence he prays to allow this application.

3. The learned counsel for the respondents/defendants submitted that this application is not maintainable and the original jurisdiction of this Court would not extend to any property situated outside the territorial jurisdiction of this Court. Sofar as the suit for land is concerned, in clause 12 of the Letters Patent, only if the lands are situated within the territorial limits of the jurisdiction of this Court, the suit can be entertained. The question of Leave to Sue for a property situate outside the territorial limits of the jurisdiction of this Court would not arise at all as there is no power granted under the Letters Patent for entertaining such a suit or for granting leave to sue. He further submitted



that the application for amending the plaint is just an attempt to delay the process. Similarly, the application to bring any other properties at this stage in a suit which was filed in the year 2016 is a clear abuse of process of law. Hence he strongly opposed to allowed this application.

4. Heard both side.

5. Though the respondents have raised serious objection, this Court is of the view that the present suit was filed for partition and though one part of properties i.e. F" schedule property is outside the jurisdiction, substantial part of properties are within the jurisdiction of this Court and likewise, the parties also reside within the jurisdiction of this Court and cause action arises within the jurisdiction of this Court. Hence, to avoid the multiplicity of proceedings, this Court is inclined to grant leave to sue with respect to the proposed "F" schedule property.

6. Accordingly, this application is allowed.

09-01-2025

Note: Post the case on 30.01.2025

A No. 5904 of 2024

To

1. Yogendra Chandak

100 New No.66 Gn Chetty Road T Nagar, Chennai 17

2. Anand Chandak

46 Old No.109 A1 Parsn Apartments, A Block 4th Floor, Gn Chetty Road T Nagar, Chennai

CS No. 986 of 2016

1. Yogendra Chandak

Vasundhara, Flat No.8 Third Floor, Old No.27 New No.16 Hindi Prachar Saba St. T Nagar, Chennai 17

2. Anand Chandak

46 Old No.109 A1 Parsn Apartments, A Block 4th Floor, Gn Chetty Road T Nagar,



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