



WEB COPY

A.No. 4397/2024 in CS.No.297/12



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.01.2025

Pronounced on : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

A. No. 4397 of 2024

in CS. No. 297 of 2012

T.Govindasamy
No.15, Perumal St. Perumal Naicken St. Periyakancheepuram,
Kancheepuram-2 (d4-impleaded As Per Ord.Dt.03/10/15,
A.5628/14)

Applicant(s)

Vs

Chitra And 5 Others
W/o.Vijayamani and 5 Others

Respondent(s)

CS NO. 297 of 2012

CHITRA
W/o. Vijayamani and 2 Others

Plaintiff(s)

Vs

G.Vijayamani
W/o. Vijayamani and 3 Others

Defendant(s)

A.No. 4397 of 2024

For Applicant(s):

M/s.K.V.Babu
Shruti R

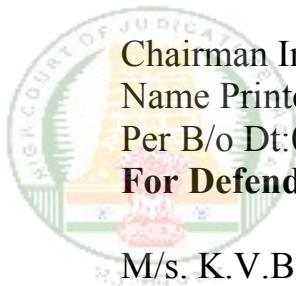
For Respondent(s): Mr.R. Sankara Subbu

CS. No. 297 of 2012

For Plaintiff(s):

M/s.R.Sankarasubbu
J.Sethuraman
No.9, Law Chambers
Hct Build, Ch-104.

<https://www.mhc.tn.gov.in/judis>
M/s. Anand Samy & Dhruva Ford 2&d3-d.No.18777/12 No.123, Iii Floor, Angappan
Naicken St., G.T., Ch-1 Mr.S.Ayya Pillai For D1-d.No.19413/12 Mds Advocate
Asson., High Ct., Ch-104 D2 - The Authorised Officer And Chief Manager Indian
Bank No.91, 1st Main Road, Gandhi Nagar, Adyar, Chennai - 600 020. D3 - The



Chairman Indian Bank, Head Office, Royapettah, Chennai - 600 014.D2 & D3 -
Name Printed As Per B/o Dt:29/01/2024D1 - G.VijayamaniD1 - Name Printed As
Per B/o Dt:09/02/2024

For Defendant(s):

M/s. K.V.Babu

R.Shruti

Vak for D-4 filed in D.No.10292/2024

F-101, 1st Floor, Subiksh Trinity, No.9/14, 4th Street, Bakthavatsalam Nagar,
Adyar, Chennai.

ORDER

This application has been filed to revoke the leave granted in A.No.2087 of 2012 dated 24.04.2012 as the same suffers jurisdiction.

2. Learned counsel for the applicant submitted that the respondents 1 to 3 while instituting the suit, sought a leave against the suit schedule property in A.No.2087 of 2012 and leave was granted by this court on 24.04.2012. He further submitted that the suit schedule property is situated in Kancheepuram, within the Registration District of Kancheepuram and Sub-Registration District of Joint IV Sub-Registrar, Kancheepuram, which is outside the jurisdiction of this court. The respondents 5 and 6 had filed an application under Order VII Rule 11 in A.No.1351 of 2013 for rejecting the plaint on the ground that there was a bar under Section 34 of the SARFAESI Act, and the same was dismissed on 03.01.2024 with a reasoning that this court had already granted leave to sue in respect of the suit property. The suit is not maintainable before this court. He further submitted that this applicant had filed

<https://www.judiciary.gov.in/> A.No.2523 of 2024 for rejection of the plaint on the ground that the suit is not

maintainable before this court since it lacks territorial jurisdiction. The same was



dismissed by this court on 26.07.2024. This court has observed that no applica

has been filed to revoke the leave granted. He further submitted that Since the suit is

a suit for land, the respondents 1 to 3 have to approach the competent jurisdiction

and not before this court. Hence, he prays to allow this application.

3. Learned counsel for the first respondent submitted that the respondents 5 and 6

Bank filed A.No.1351 of 2013 to reject the plaint and the same has been dismissed

by this court on 03.01.2014. Subsequently, the applicant, had again, after ten years

filed A.No.2523 of 2024, to reject the plaint which was also dismissed on

26.07.2024. The application preferred by this first respondent was allowed on

24.04.2012 as to the cause of action and claim in the suit invoking the jurisdiction of

this court. The applicant has also not provided any sufficient reason for his

inordinate delay in raising objection. The first respondent stood as a guarantor to the

loan transactions by one D.K. Nedunchezhiyan before the respondents 5 and 6,

which is within the jurisdiction of this court. The application filed by the applicant in

A.No.5628 of 2014 to implead him as the auction purchaser as party respondent in

the suit and the same was allowed by this court on 07.10.2015 only based on his

undertaking. The first respondent filed WMP.No.23076 of 2016 to recall the order in

WP.No.4902 of 2016, which was allowed on 24.12.2016 and the said WMP was

also allowed. He further submitted that applicant, contrary to the undertaking made



before this court, protecting the interest of this plaintiffs, had bulldozed the house which was in possession of the plaintiffs and hence, he prays for dismissal of the application.

4. Heard both sides.

5. Upon perusing the plaint, it is seen that the cause of action arises at Chennai.

Taking note of that the applicant in A.No.5628 of 2014 has been actively participating at every stage of this suit and since this application is filed nearly after ten years, whereas leave is granted by this court on 24.04.2012, this court opines that the application is filed to drag on the proceedings. If the applicant is really interested to conduct the case, he would have approached this court much earlier. Having failed in all his attempts, coming forward by filing this application at this stage, is not acceptable. Hence, this application is dismissed.

6. Post the suit on 07.02.2025.

31-01-2025

gv

Pre-delivery Order made in
A. No. 4397 of 2024
in CS. No. 297 of 2012