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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

A No. 4506 of 2026
in C.S.(Comm.Div.) DR.No.182963 of 2026

M/s.Urban Tree Properties LLP
Rep. by its Partner, Mr. Kapil Pansari
Having its registered office at
Suraj Kunj, New No.18, Old No.8,
Rutland Gate, 5th Street,
Nungambakkam,Chennai-600 006.

..Applicant(s)

Vs

1. Makizham Estates Limited
   A company incorporated under the companies Act, 1956
   Rep by its Director, Mr.Vishwanath Krishnan
   Having its registered office at
   No.6, 2nd Floor, 1st Main Road,
   Kasturba Nagar, Adyar, Chennai-60020
2. Mrs.Sundarakshi Krishnan
   W/o.Late.Mr.S.Krishnan, Aged about 75 years,
   Residing at Vrindavanam Kozhicode,
   Alumkadavu Post
   Karunagapally-690573, Kollam District, Kerala

..Respondent(s)

PRAYER: Judges summons filed under Order XIV Rule 8 read with Order III Rule 1 of the O.S.Rules and Clause 12 of the Letters Patent, to grant leave to the applicant/ Plaintiff to institute the above suit against the 2nd Respondent / 2nd Defendant who resides outside the local limits of the Ordinary Civil Jurisdiction of this Honble Court.

For Applicant(s): Mr.Anish Gopi
for Ms.Malathi Gopi

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ORDER

The suit is listed with an objection raised by the Registry regarding its maintainability. The prayer in the suit is for specific performance of the agreement for sale of the immovable property described in the schedule to the plaint, for compensation, and for a permanent injunction restraining the defendants from alienating, encumbering, transferring or conveying the said property.

2. The objection raised by the Registry is that the property is situated at Kundrathur, Kanchipuram District, and, therefore, the suit is not maintainable before this Court.

3. It is now settled law that a suit for specific performance is in the nature of enforcement of a personal covenant. If the suit can be maintained without seeking the further relief of possession, the plaintiff need not be relegated to the jurisdiction of the Court within whose territorial limits the property is situated. In the instant case, I find that this Court has territorial jurisdiction to entertain the suit. Accordingly, the objection raised by the Registry is overruled.

4. The suit is entertained. The Registry is directed to number the suit and post the matter in the usual course.

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5. As far as Application No.4506 of 2026 is concerned, it is seen that the first defendant is residing and carrying on business within the territorial jurisdiction of this Court. It is further seen that the first defendant has its registered office within the jurisdiction of this Court. The primary relief sought in the suit is against the first defendant, and the second defendant has been impleaded only for the specific purposes set out in the plaint. In view of the above, I am of the view that the plaintiff is entitled to leave to sue.

6. Accordingly, Application No.4506 of 2026 is allowed.

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D.BHARATHA CHAKRAVARTHY, J.

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