



WEB COPY

CRP No. 5832 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5832 of 2025 and
CMP.No.28932 of 2025**

1. Jayashree
2. Akshayraja
3. Akshara
4. Lalitha

..Petitioner(s)

Vs

1. G.Neelahram
2. M/s.Dhanajeya Boards (P) Ltd
Rep. by its Director, S. Baburam,
S/o. Srirangarajan,
D.No.1, Tenkasi Main Road, Elanji Village,
Tenkasi Taluk, Tirunelveli District.
3. S. Ramasubramanian
4. R. Geetha
Respondents 2 to 4 unnecessary party hence
given up

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 03.09.2025 in I.A.No.15 of 2024 in O.S.No.3376 of 2019 before the XXI Additional City Civil Court, Chennai.

For Petitioner(s):

Mr.T.Sezhian



For Respondent(s):

for R.Meenal

Mrs.M. Santhanamari

for Mr.E.J. Ayyappan

ORDER

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioners/defendants 6 to 9 seeking return of the plaint.

2. The first respondent/plaintiff filed a suit for recovery of money based on the consent letter executed by second defendant in favour of plaintiff. It is the case of the first respondent/ plaintiff that the second defendant approached him at Chennai for sale of the properties situated at Thenkasi. He executed general power of attorney on 03.07.2007 in favour of plaintiff. Based on the power of attorney executed in favour of plaintiff, the suit property was sold to Mr.N.Srinirajan under sale deed dated 27.12.2007. Thereafter, there was an attachment of the above mentioned property for realisation of sales tax dues payable by the 1st defendant company namely M/s. Dhananjeya Boards Private Limited in which 2nd and 5th defendants were directors. It is further stated by the plaintiff that though the properties are situated in Thenkasi, all the consideration were paid only at Chennai. It is further stated that the second defendant executed a consent deed on 19.09.2008 agreeing to pay and clear all sales tax dues payable by the first defendant company either by himself or through another firm namely M/s.Dhananjeya Industries, represented by his wife



Mrs.B.Jeyashree. Since the plaintiff found it difficult to execute sale deed in respect of the remaining properties in his capacity as power agent, he himself cleared arrear dues to the Sale Tax Department. Hence, as per the undertaking letter issued by the second defendant, the suit amount is due to the plaintiff from the defendants. Therefore, the instant suit has been filed.

3. The defendants 6 to 9 filed an application seeking return of the plaint on the ground that there is nothing in the plaint to suggest cause of action arose within the territorial jurisdiction of the court. Therefore, according to petitioner, the court at Chennai has no territorial jurisdiction to entertain the plaint. The said application was dismissed by the trial court. Aggrieved by the said order, the petitioners have come before this court.

4. The learned counsel for the petitioners submitted that in the plaint there is no averment that consent deed was executed by the second defendant in Chennai and therefore, cause of action for the suit has not arisen within the territorial jurisdiction of Chennai. In such circumstances, the trial court ought not have entertained the plaint as it lacks territorial jurisdiction.

5. A close scrutiny of the averments in the plaint would indicate that the plaintiff clearly stated that the cause of action for the suit arose at Triplicane in Chennai wherein the 2nd defendant approached the plaintiff for sale of property and on various other dates when the defendants executed a general power of attorney, the consent letter, etc., Therefore, there is an averment in the plaint that cause of action arose within the territorial jurisdiction of the court at



6. Whether the cause of action arose within the territorial jurisdiction of City Civil Court, Chennai or not is a matter to be decided based on the evidence to be let in by the parties. The said fact cannot be decided based on mere averments contained in the plaint. Therefore, this court feels that the petitioners/defendants 6 to 9 shall be given an opportunity to raise their points at the time of trial. Since the issue raised by the petitioners requires evidence, the trial court rightly dismissed the application filed by them seeking return of the plaint. I do not find any error in the impugned order passed by the Trial court. Accordingly, the civil revision petition stands dismissed, however, with liberty to the petitioners to raise the point regarding the territorial jurisdiction as an issue in the main suit. No costs. Consequently, connected miscellaneous petition is closed.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To
The XXI Additional City Civil Court, Chennai.



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S.SOUNTHAR, J.

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