

(2011) 11 MAD CK 0085

Madras High Court (Madurai Bench)

Case No: C.R.P. PD (MD) . 1382 of 2009 and M.P. No. 1 of 2009

V.R. Subramanian

APPELLANT

Vs

R.M. Annamalai, L. Sethu @
Veerappan, R.M. Sevukan Chetti
and N.K Upan Chettiar

RESPONDENT

Date of Decision: Nov. 9, 2011

Hon'ble Judges: M. Jaichandren, J

Bench: Single Bench

Advocate: K. Hema Karthikeyan, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice M. Jaichandren

1. This Civil Revision Petition has been filed against the order, dated 17.4.2009, made in I.A. No. 461 of 2008, in O.S. No. 44 of 2006, on the file of the Subordinate Court, Devakottai.

2. The petitioner in the present civil revision petition is the 16th defendant in the suit, in O.S.No.44 of 2006, filed by the respondents herein. The suit filed by the respondents, on the file of the Subordinate Court, Devakottai, relates to the accounts of the A.R.L.Trust, which is said to be situated at Srilanka.

3. The petitioner had filed an interlocutory application, in I.A.No.461 of 2008, in O.S.No.44 of 2006, stating that the trial Court ought to decide the issue relating to the jurisdiction of the said Court, as a preliminary issue. However, the trial Court, by its order, dated 17.4.2009, had rejected the request of the petitioner.

4. The learned counsel for the petitioner had stated that the trial Court had failed to see that the Trust in question had been registered under the Srilankan laws and the trial Court had no jurisdiction to hear the matter. He had also submitted that the

trial Court ought to have seen that the respondents herein, who are the plaintiffs in the suit, had admitted that the AR.L.Firm and the AR.L.Trust had been established and they are in existence, at Kandy, Srilanka and therefore, the trial Court had no jurisdiction to hear the matter.

5. The learned counsel had further stated that the trial Court had failed to see that the Trust in question is wholly governed by the Srilankan laws relating to Trusts and therefore, the trial Court did not have the jurisdiction to hear the suit and to decide the same, on merits. However, the trial Court, by its order, dated 17.4.2009, had dismissed the interlocutory application stating that the defendants, in the suit, in O.S.No.44 of 2006, are residing within the jurisdiction of the trial Court and therefore, the trial Court was of the view that, prima facie, the suit filed by the plaintiffs could be heard by the said Court. However, it had held that the issue relating to its jurisdiction could be raised, at a later stage and the same could be decided after letting in sufficient evidence in that regard.

6. In view of the submissions made by the learned counsel appearing on behalf of the petitioner and on a perusal of the records available, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to interfere with the order of the trial Court, dated 17.4.2009, made in I.A.No.461 of 2008, in O.S.No.44 of 2006, on the file of the Subordinate Court, Devakottai. The trial Court had rightly held that the issue could be raised, at a later stage, by the petitioner, who is one of the defendants in the suit, in O.S.No.44 of 2006.

7. In view of the fact that the petitioner had raised the issue regarding the jurisdiction of the trial Court to hear the matter on merits, the Subordinate Court, Devakottai, shall frame the issue relating to its jurisdiction, as one of the issues in the suit and the same would be decided, as per law, based on the evidence to be let in by the parties concerned. Accordingly, the Civil Revision Petition stands dismissed, with the above directions. No costs. Consequently, connected miscellaneous petition is closed.