

Application No.2253 of 2018
in
C.S.D.No.12106 of 2018

M.SUNDAR.J.,

Sole plaintiff in the main suit is the lone applicant herein. Sole defendant in the main suit is the lone respondent herein. Parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. Going by the plaint averments, defendant is a film producer and he borrowed monies from the plaintiff. There is also a letter of acknowledgement of liability dated 23.09.2017 issued by the defendant. Cheques issued by the defendant towards discharge of the loan were dishonoured with the banker's endorsement "Payment stopped". Proceedings under Section 138 of the Negotiable Instruments Act has also been initiated on the file of XVII Metropolitan Magistrate, Saidapet, Chennai. There is also a part payment, but the liability remains. Hence, the suit. This is a lis in a nutshell as it unfurls from the plaint.

3. The sole defendant is in Bombay. Therefore, the instant

application has been taken out under Clause 12 of Letters Patent seeking leave to sue. It is the specific case of the plaintiff that a major portion of the cause of action has arisen in Chennai within the jurisdiction of this Hon'ble court, which includes the core transaction of lending of money from Chennai and part repayment of the same at Chennai. It is the specific case of the plaintiff that all the transactions took place only at Chennai within the jurisdiction of this Hon'ble Court. It has been so averred in Paragraph 4 of the affidavit filed in support of this leave to sue application.

4. I have perused the plaint and I have heard Mr.S.Vasudevan, learned counsel for plaintiff. Prima facie this is a fit case for grant of leave.

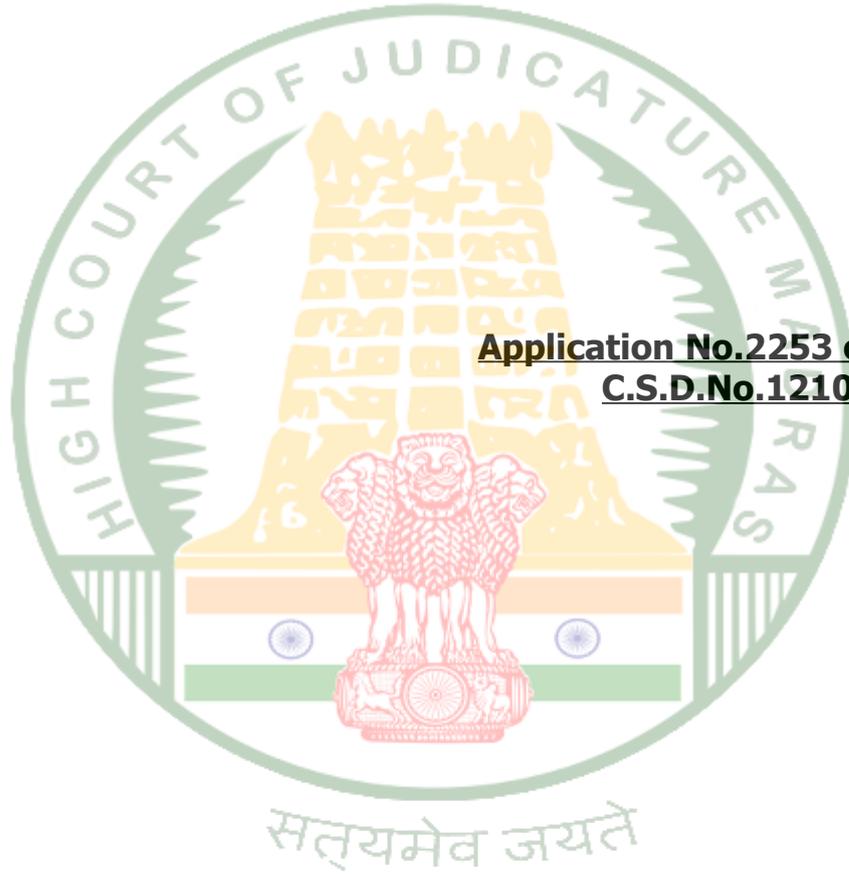
5. This Court expresses its intention to exercise jurisdiction over the entire suit. In other words, leave under Clause 12 of Letters Patent is granted and this application is allowed.

14.03.2018

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