

OS No.109/2023

**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE AND JMFC.,
AT HUNSUR,**

**Presided Over by Bhagyamma
B.com. L.L.B.,**

Dated, this the 30th day of June 2025

OS No.109/2023

Plaintiff/s : H.K. Krishnamurthy

.Vs.

Defendants : Murthachar & another

IA No.6

Applicant : Murthachar

....Defendant No.1

.Vs.

Opponent : H.K. Krishnamurthy

....Plaintiff

ORDERS ON IA No.VI

At the stage of further cross of PW-1, the learned counsel for defendants filed this application under Sec.151 of CPC praying to pass an order to transfer the suit before territorial jurisdiction by allowing this application in the interest of justice.

2. Per contra, the learned counsel for plaintiff has filed objection stating that the application is not maintainable either in law or on facts by contending that the question relating to territorial jurisdiction should have been raised at earlier point of

time and relied on judgment on this aspect. Accordingly, prayed to dismiss the application.

3. Heard both the side counsel and perused the materials available on record.

4. Now the points that would arise for my consideration is as under:

Whether the defendants have made out grounds to transfer the suit before territorial jurisdiction as prayed in IA?

5. My finding to the above is in the negative for the following:-

REASONS

6. On perusal, the plaintiff has filed this suit for recovery of money against the defendants. Whereas the defendants have filed their defence, by denying the suit of the plaintiff. Accordingly, issues framed and evidence of PW-1 has been recorded. Thereafter, PW-1 has been partly cross-examined. During further cross of examination of PW-1 the defendants have come up with this application contending that the suit schedule property is situated at HD Kote taluk. As per plaint averments and documents the transaction took place at Mysuru and this court has no territorial jurisdiction, so he prayed to transfer the suit to present the same before territorial jurisdiction. Whereas, the plaintiff has submitted that application has no merits and it is filed to harass the plaintiff at this stage of cross-examination. The plaintiff filed the suit against the defendants seeking recovery of money by executing on demand pronote and consideration

receipt. According to plaintiff the transaction took place at Hunsur where the plaintiff is situated earlier. Even he and defendants are residing at Mysuru jurisdiction, the transaction took place at Hunsur town only in the address mentioned in the cause title as well as on demand pronote which is got marked at Ex.P-1. More so, that the transaction and oral conversation has took place at Hunsur town itself. It is no doubt that the suit is based on the on demand pronote with mortgage deed in relating to the suit schedule property is situated at the jurisdiction of HD Kote.

7. At this stage, on perusal of Sec.20(c) of CPC clearly reads as under:

Section 20(c) of the Code of Civil Procedure (CPC) 1908, allows a suit to be filed in a court where the cause of action, either wholly or in part, arises. This means that if the events that led to a legal dispute occurred, or partially occurred, within the jurisdiction of a particular court, that court can hear the case.

8. That apart learned counsel for plaintiff has relied upon the judgment of Hon'ble High Court of Karnataka rendered in **WP.No.6101/2014** wherein it is observed "the question relating to jurisdiction is a mixed question of facts and law. The same should have been raised at the earlier point of time. Hence, the court below is justified in rejecting the application for amendment."

9. Relying on the above provision and the judgment of Hon'ble High Court of Karnataka, the cause of action in the instant case arose within the jurisdiction of this court. More so, the defendants have not at all pleaded in their written statement with respect to jurisdiction. Hence, the application is devoid of merits and the defendants have not made out grounds to allow this application. Accordingly, the point for consideration is answered in the **negative**. In the result, I proceed to pass the following:-

ORDER

I.A.No.VI filed by the defendants under Sec.151 of CPC is hereby rejected with cost of Rs.200/-.

For further cross of PW-1 by
14.07.2025.

30.06.2025

**Addl. Sr. Civil Judge & JMFC
Hunsur**