

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10499 OF 2013

Amit Suresh Dhupad

.. Petitioner

vs.

Yeshwant K. Gaikwad

.. Respondent

Mr. S.S. Shah for the Petitioner.

None for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 20 MARCH, 2015

P.C. :-

1] This petition is directed against the order dated 19 March 2013 made by the learned Civil Judge, Senior Division at Solapur holding that it has territorial jurisdiction to proceed with the suit.

2] The learned counsel for the petitioner placed reliance upon paragraph 19 of the agreement entered into between the plaintiff and Share Khan Security and Commodities, to urge that in terms of said paragraph the jurisdiction is vested in the Courts in Mumbai for the purposes of giving effect to the provision of the Agreement.

3] The suit has not been filed against Share Khan Security and Commodities, as such, the ouster clause in the Agreement between the plaintiff and the said Share Khan Security and Commodities cannot be said to be attracted. Further, if the averments in the plaint are perused, it is clear that certain allegations have been made against the petitioner in the context of his dealing with the plaintiff.

4] In view of the aforesaid, it cannot be said that the impugned order is without jurisdiction or the vitiated by any other legal infirmity. This petition is accordingly dismissed. There shall be no order as to costs.

5] It is further made clear that barring out the issue of territorial jurisdiction, all other contentions of all parties are kept open for decision in the suit.

(M. S. SONAK, J.)

dinesh