

It comes out that the suit was filed in the year 2006. In the written statement, no objection regarding territorial jurisdiction was taken. Therefore, the same is deemed to have been waived.

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After eight years, suddenly, an application under Order 7 Rule 10 read with Section 151 CPC for return of plaint was filed by defendant No. 1, which was allowed by the lower Court.

I am of the view that the impugned order is illegal and against the law. The objection regarding territorial jurisdiction can always be waived by the party. Once the objection was not taken in the written statement and the lower Court has proceeded with the case and continued to proceed with the same for eight years, the lower Court cannot get rid of the case by saying that some other Court has got the territorial jurisdiction. As such the impugned order is set aside. The lower Court is directed to proceed further to decide the case expeditiously, not later than one year, since it is eight years old case. Both the parties are directed to put in appearance before the lower Court on 21.10.2015.

The present revision is accordingly allowed.

(KULDIP SINGH)  
JUDGE

13.10.2015  
sjks