

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5201 of 2014 (O&M)
Date of decision: January 08, 2015.

M.L. Sukhija & another

... **Petitioners**

v.

M/s Biomex Instruments Pvt. Ltd.

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Amandeep Hooda, Advocate, for the petitioners.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Dismissal of application under Order VII Rule 10 CPC, challenging jurisdiction of the court to entertain the suit of the plaintiff, respondent herein, vide impugned order of 16.4.2014, has prompted the petitioners to approach this Court.

Suit is for recovery of Rs.30.00 lacs with future interest @ 18% per annum. Plea of the defendants, petitioners herein, that no part of cause of action has arisen in the jurisdiction of local courts at Chandigarh and thus, the plaint should have been returned, did not find favour with the lower court.

It is not denied that Hitachi MRI machine, after import from Japan was purchased by the defendants through the plaintiff. Clear case of the plaintiff is that against Rs.45.00 lacs towards cost of the machine and Rs.15.00 lacs towards cost of custom clearance and other expenses, were

payable by the defendants. Only Rs.30.00 lacs were paid whereas remaining Rs.30.00 lacs were not paid, requiring filing of the suit by the plaintiff as no payment was made by the defendants thereafter despite repeated requests.

Undisputedly, there is bill No.249 dated 6.2.2009 in favour of the petitioner-defendants which clearly mentions that all disputes between the parties were to be subject to Chandigarh jurisdiction. Sale confirmation document signed by both the parties is clearly executed at Chandigarh, for which even the stamp paper was purchased from Chandigarh itself.

Finding of the court that even if plea of the defendants is taken on its face value, part of the cause of action having arisen at Chandigarh, the court at Chandigarh cannot be denied the territorial jurisdiction to hear and decide the suit.

There is no factual or legal infirmity in the impugned order. The order is not only well written but has also taken into consideration all the attending facts and circumstances as also has discussed plea of both the parties at considerable length.

No merit.

Dismissed.

January 08, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge