

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5758 of 2015
Date of Decision: September 4, 2015

Jasvinder Pal Singh Walia @ Jasvinder Singh

..... Petitioner

Versus

Naunihal Singh

..... Respondent

CR No. 5770 of 2015

Jasvinder Pal Singh Walia @ Jasvinder Singh and others

..... Petitioners

Versus

Naunihal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rahul Sharma, Advocate
for the petitioners.

Amit Rawal, J (Oral)

This order of mine shall dispose of Civil Revision Nos. 5758 of 2015 and 5770 of 2015 as the controversy involved in both the case is same.

The challenge in the present petitions is to the impugned order dated 26.5.2015 (Annexure P-3) whereby application under Order 7 Rule 11 CPC filed by the petitioners-defendants has been dismissed.

Learned counsel for the petitioners submits that the court at Tarn Taran did not have any territorial jurisdiction to try and entertain the suit for recovery of amount ₹14,00,000/- in CR No. 5758

of 2015 and ₹1,40,16,412/- in CR No. 5770 of 2015. In support of his contentions, he has relied upon the provisions of Section 16 of the Code of Civil Procedure and submits that the court below has committed illegality and perversity in rejecting the application, for, as per provisions of Section 20-(a) CPC have not been taken into consideration. The suit could have been filed where the petitioner-defendant resides i.e. within the territorial jurisdiction of Ludhiana.

I have heard learned counsel for the petitioner and appraised the paper book.

Section 20-(C) of the Code of Civil Procedure envisage that the suit can be filed at any court having competent jurisdiction where the cause of action wholly or in part arise. As per the pleadings culled out in the suit the RTGS transfer was done from a Bank situated/located in Taran Taran to a Bank in Ludhiana. In my view, the cause of action partly arose within the jurisdiction of Taran Taran, therefore, the Taran Taran Court has the jurisdiction.

In view of the aforementioned observations, I do not find any illegality and perversity in the impugned order and the same cannot be said to be without jurisdiction.

The revision petitions are mis-conceived, therefore the same are dismissed.

(AMIT RAWAL)
JUDGE

September 4, 2015
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