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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1242/2013

M/S SHARMA KALPYSO PRIVATE LIMITED Plaintiff
Through : Mr. Subhasish Mohanty, Advocate

versus

M/S GOAN HOTELS & CLUBS PVT LIMITED Defendant
Through : Mr. Karan Luthra, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **17.09.2015**

IA No.19311/2015 (by the defendant u/O VII R-10 CPC)

1. The present application has been filed by the defendant stating *inter alia* that the plaint is liable to be returned on the ground that this Court is not vested with the territorial jurisdiction to entertain the suit.
2. Counsel for the defendant states that another suit instituted by the plaintiff against the defendant, registered as CS(OS)no.1202/2013, has already been returned to it, vide order dated 12.8.2015, for being presented before the District Court at Goa.
3. Notice. Counsel for the plaintiff accepts notice and states that he does not oppose the prayer made in the application. He submits that the present suit may be returned to him for being presented before the District Court at North Goa and a date may be fixed for the parties to appear before the said court.

4. In view of the submissions made herein above, the application is allowed and disposed of. Registry is directed to return the suit to the plaintiff, through counsel, for being presented before the District Court at North Goa.

5. The parties shall appear before the District Court at North Goa on 28.9.2015. Needless to state that the parties shall be entitled to take all the pleas that may be available to them, both in law and on facts before the competent court.

6. The suit is disposed of.

7. The date already fixed in the case, i.e., 11.3.2016 stands cancelled.

SEPTEMBER 17, 2015
sk/ap

HIMA KOHLI, J