

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4607 of 2016

Order:

Aggrieved by the dismissal of her application for return of the plaint under Order VII, Rule 10 CPC, the defendant in the suit has come up with the present revision.

2. Heard Sri B.Chandrasen Reddy, learned counsel for the petitioner.

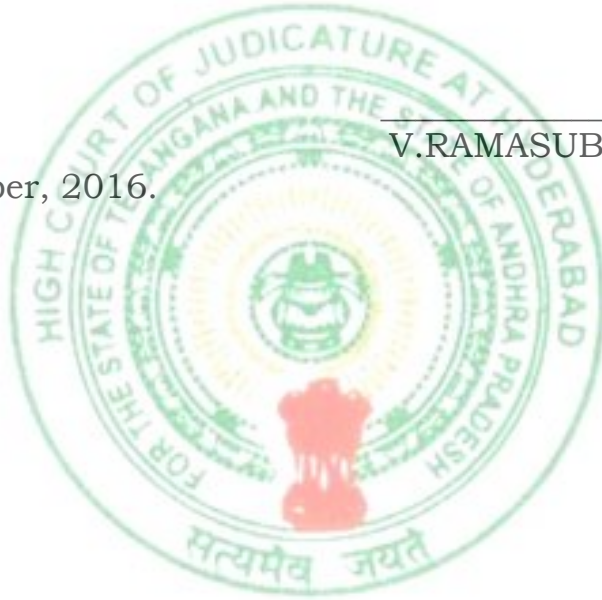
3. The respondent, which is a company registered under the Companies Act, 1956 and having its registered office at Vijayawada, entered into a development agreement on 23-4-2011 with the petitioner/defendant. On the ground that the agreement failed, the respondent filed the suit in O.S.No.325 of 2014 on the file of the XIII Additional District Court, Vijayawada only for recovery of money. In the said suit, the petitioner filed an application under Order VII, Rule 10 CPC, contending that the Courts at Vijayawada had no territorial jurisdiction to entertain the suit, as the entire cause of action arose within the jurisdiction of the Courts at Hyderabad. The Trial Court dismissed the said application forcing the defendant to come up with the above revision.

4. The suit filed by the respondent was only for recovery of money and the suit was not on land. Therefore, the suit could be filed in any Court within whose jurisdiction the whole or any part of the cause of action arose. In this case, the Trial Court found even on admitted facts that a sum of

Rs.75 lakhs was paid as security deposit under the development agreement, only at Vijayawada. It is that money together with the other monies that the respondent was seeking to recover under the suit. Therefore, the Trial Court was right in pointing out that a substantial part of the cause of action had arisen within the jurisdiction of the Courts at Vijayawada. Hence, I find no error in the order of the Trial Court. Therefore, the revision is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

18th November, 2016.
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V.RAMASUBRAMANIAN, J.



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