

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CIVIL REVISION PETITION No.2944 of 2015

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed by the petitioner-plaintiff against the order dated 11.11.2014 in O.S.(SR).No.1563 of 2014 passed by the learned XVI Junior Civil Judge, Ranga Reddy District at Miyapur, returning the plaint filed against the respondent-defendant for recovery of money on the basis of the terms and conditions of Employment Agreement between the parties, for presentation before the proper Court.

2. Though one of the terms of the said agreement postulates that the jurisdiction concerning any dispute arising out of the said employment will be the Courts in Secunderabad only, now the suit was instituted in the Court of the learned XVI Junior Civil Judge, Ranga Reddy District at Miyapur, as part of cause of action arose at Madhapur within the territorial jurisdiction of the said Court. However, in view of the terms of the agreement conferring jurisdiction on the Court at Secunderabad, the office of the Court of the learned XVI Junior Civil Judge, Ranga Reddy District at Miyapur, raised an objection as to the maintainability of the suit in that Court on the point of territorial jurisdiction and returned the plaint. The plaint was re-presented with the submission that

the said Court is having jurisdiction and that if any further clarification is needed, the matter may be heard before the Bench. Pursuant to the said re-presentation, the submissions of the learned counsel for petitioner were heard and the impugned order dated 11.11.2014 was passed returning the plaint for presentation before the appropriate Court, for the reason that the jurisdiction clause in the said agreement specifically reflects that the Courts at 'Secunderabad only' are having jurisdiction. Aggrieved thereby, the present civil revision petition is filed.

3. Sri P. Venkat Reddy, learned counsel for the petitioner would submit that no part of cause of action arises within the territorial jurisdiction of Secunderabad and that after Employment Agreement was entered into between the parties, a letter of appointment dated 03.06.2010 was given to the respondent and he was asked to report at the office of the petitioner at Hitech City, Sy.No.64, Madhapur, Hyderabad and accordingly, the respondent joined the service at that place and that, therefore, a part of cause of action arose within the territorial jurisdiction of the Court at Miyapur, and hence, the impugned order returning the plaint is unsustainable.

4. Having heard learned counsel for the petitioner and perused the material on record, including the plaint, Employment Agreement, letter of appointment and the joining

report, this Court is satisfied that there is merit in the revision petition and that the Court at Miyapur is having jurisdiction, prima-facie, as the letter of appointment clearly supports the contention of the petitioner that a part of the cause of action arose within the territorial jurisdiction of the said Court. Therefore, this Court finds that the order impugned in this revision calls for interference.

5. In the result, this Civil Revision Petition is allowed, setting aside the order dated 11.11.2014 in O.S.(SR).No.1563 of 2014 passed by the learned XVI Junior Civil Judge, Ranga Reddy District at Miyapur, with a direction to the said Court to receive the plaint and register the suit, if it is otherwise in order. No order as to costs.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

7. Registry is directed to return the original material papers/returned plaint to the learned counsel for petitioner on proper acknowledgement as per the procedure, to facilitate re-presentation of the plaint to the said Court.

JUSTICE M. SEETHARAMA MURTI

06.12.2016.
Msr

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