

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 2258 of 2014 (O&M)

Date of decision: 28.01.2016

M/s IDEB Projects Pvt. Ltd.

... Petitioner

versus

M/s Jay Aar Enterprises

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Atul Gaur, Advocate for
 Mr. Sumeet Goel, Advocate for the petitioner.

Mr. Hemender Goswami, Advocate for the respondents.

K.Kannan, J. (ORAL)

The revision petition is on an objection taken by the defendant on an issue of jurisdiction brought by the defendant. The defendant's case was that the plaintiff had pleaded that the defendant had placed a purchase order for a project at New Delhi and the terms and conditions of the purchase order directed the delivery to be effected immediately at the project site at IDEB Project Private Limited, New Delhi. The cause of action arose only at Delhi. The plaintiff has filed a case referring to the fact that the plaintiff company is in Chandigarh and the purchase order for the supply must be taken at Chandigarh. The cause of action according to the plaintiff, therefore was only at Chandigarh where the purchase order was received.

The cause of action except in suit for immovable property or where the place of institution of suit is uncertain or in a case for compensation for wrongs shall be governed under Section 20 of the CPC. Section 20 states that a suit shall be instituted subject to the limitations contained under Section 17 to 19 at the place within whose jurisdiction the defendant resides or any of the defendants resides or the cause of action wholly or in part arises.

The cause of action cannot arise at Chandigarh merely because the plaintiff resides or has a office there. If the product indented directed delivery at Delhi, the risk in the goods itself must be taken as having passed only at Delhi being the place of delivery. The cause of action must, therefore be taken only as having arisen at Delhi. The suit ought not to have been entertained at Chandigarh. The order already passed is set aside and the plaint is ordered to be returned to the plaintiff with time granted by the trial Court adequately to present it before the Court of competent jurisdiction at Delhi on the date specified by it. The order is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

28.01.2016
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