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

+ CS(COMM) 247/2016

PEPSICO INC & ANR

..... Plaintiffs

Through: Rajeeve Mehra, Sr. Adv. with
Dheeraj Nair, Kunal Mimani and
Kavya Dangla, Advocates

versus

GARODIA AQUA MINERAL INDUSTRIES

..... Defendant

Through:

+ CS(COMM) 250/2016

PEPSICO INC & ANR

..... Plaintiff

Through: Rajeeve Mehra, Sr. Adv. with
Dheeraj Nair, Kunal Mimani and
Kavya Dangla, Advocates

versus

VAISHNAVI FOOD INDUSTRIES

..... Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
29.03.2016

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Learned senior counsel for the plaintiff has brought to the notice of the court the judgment of the Division Bench of this court in *Ultra Home Construction Pvt. Ltd. v. Purushottam Kumar Chaubey & Ors.* in FAO (OS) No.494/2015 delivered on 20.01.2016. In the said decision, the Division Bench has considered and analysed the judgment of the Supreme Court in *Indian Performing Rights Society Ltd. v. Sanjay Dalia*, (2015) 10 SCC 161, wherein it is observed that where the cause of action neither arises at the place of the principal office nor at the place of the subordinate office but at some other place, the plaintiff would be deemed to carry on business at the place of its principal office and not at the place of the subordinate office and, consequently, it could institute a suit at the place of its principal office but not at the place of its subordinate office.

In the present case, since the principal office of plaintiff no.2 is situated in Gurgaon and not Delhi – where no cause of action has arisen, the suit cannot be instituted in this court and this court has no territorial jurisdiction to deal with the suit.

In view of the aforesaid position, the plaintiff prays for return of the plaint. Accordingly, the plaint is returned for being presented before the court of competent jurisdiction.

VIPIN SANGHI, J

MARCH 29, 2016

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