

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO.17461 OF 2017
WITH
CIVIL APPLICATION (ST) NO.17463 OF 2017

Maple Mouldings Pvt Ltd	...Appellant
<i>Versus</i>	
Maharashtra State Electricity Board & Anr	...Respondents

Mr VP Vaidya, i/b Ashok Law Firm, for the Appellant.
Mr Nirav Shah, with Mr M Sampat & Anup Jaiswal, i/b Little & Co,
for the Respondents.

CORAM: G.S. PATEL, J
DATED: 10th July 2017

PC:-

1. This is an unfortunate consequence of our jurisdictional restrictions. The suit was originally filed in 1997 in the High Court on its Original Side. It came to be transferred to City Civil Court. The Suit challenges electrical bills raised by the 1st Respondent and asks that they be quashed and set aside.

2. By the impugned judgment dated 2nd May 2017, the learned Judge held the City Civil Court had no jurisdiction and returned the Plaint for presentation to the proper Court. He held that the entire

cause of action has arisen in Palghar District where the Defendant also had an office and was also carrying on business. He noted that when originally filed in the High Court, no leave under Clause 12 of the Letters Patent was taken.

3. In my view, the decision of the learned Judge of the City Civil Court calls for no interference. Merely because the 1st Defendant had its head office in Mumbai would not be sufficient to confer the jurisdiction on the City Civil Court, when no part of cause of action has arisen in Mumbai. The entire cause of action has arisen in Palghar where the 1st Defendant also has an office.

4. Parties are agreed that the District Court, Palghar would be the appropriate Court.

5. The Plaintiff has given a bank guarantee to cover the amount of the impugned bills. The bank guarantee furnished to the satisfaction of the Registrar of the City Civil Court will be substituted with a bank guarantee in the same amount on the same terms and conditions to be furnished to the District Court in Palghar. The District Court will issue necessary directions for furnishing the bank guarantee.

6. This is without prejudice to the rights and contentions of both sides. The Trial Court in Palghar is requested to dispose of the matter on the basis of the evidence already taken before the City Civil Court. The R&P from the Bombay City Civil court will be transmitted to the Court in Palghar. The parties will appear before

the District Court on 24th July 2017. The Trial Court will issue the necessary directions for the final hearing and disposal of the Suit. The District Court is requested to dispose of the Suit at the earliest possible, preferably by 10th November 2017.

7. The Appeal is dismissed. No costs

8. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J.)