

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 08.02.2017****CORAM****THE HON'BLE MR. JUSTICE M.V.MURALIDARAN****CRP(PD)No.2091 of 2013
and
M.P.No.1 of 2013**

M/s.Anchor Electricals Private Limited,
Registered office at Steel House,
'B' Wing, Plot No.24,
Mahal Industrial Estate,
Mahakali Caves Road,
Near Paper Box, Andheri (E),
Mumbai – 400 093.

.. Petitioner

Vs

M/s.Shreepal Electricals,
Rep. by its Proprietor Mr.Yashpal,
No.36/44, Strotton Mutthaiah Mudali Street,
Chennai-600 079.

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 08.03.2013 passed in I.A.No.11443 of 2012 in O.S.No.827 of 2012 on the file of XVIIIth Assistant City Civil Court, Chennai.

For Petitioner : Mr.A.R.Ramanathan

For Respondent : Mr.V.Balasubramanian

ORDER

The petitioner has filed this Civil Revision Petition to set aside the order passed in I.A.No.11443 of 2012 in O.S.No.827 of 2012 dated 08.03.2013 on the file of learned XVIII Assistant Judge, City Civil Court, Chennai and allow the above Civil Revision Petition.

2.The petitioner herein is the sole defendant in the above suit in O.S.No.827 of 2012. The respondent / plaintiff has filed the above suit for Permanent Injunction restraining the petitioner herein and his person from disturbing the peaceful possession and enjoyment of respondent / plaintiff's business at Premises No 39, Strotton Mutthaiah Mudali Street, Chennai-79.

3.The case of the plaintiff /respondent herein is that the plaintiff is a dealer under the defendant Electrical Company and there arose a dispute with regard to the payment and supply of goods. In the said factual backdrop the revision petitioner company attempted to seal the premises of the respondent / plaintiff's business place on the premise that there is default on the part of the plaintiff in paying due towards the supplied goods. Hence he has filed the above suit for Permanent

Injunction.

4. In the said circumstance the petitioner / defendant herein filed the above interlocutory application in I.A.No.11443 of 2012 under Sections 20 and 21 of CPC praying to dismiss the instant suit on the ground of the preliminary objection as to the jurisdiction of the trial Court to try the suit.

5. It is the case of the respondent / defendant that the suit is not maintainable before the trial Court for want of jurisdiction. It is the petitioner's case that only Mumbai Courts have exclusive jurisdiction to try the suit as the jurisdiction is conferred in accordance with the invoice supplied to the plaintiff towards the goods supplied. It is also the defendant's case that the suit is not maintainable before the trial Court on the ground of pecuniary jurisdiction also.

6. The Learned trial judge on appraisal of the documents and available materials on record dismissed the revision petitioner's application holding that the mere indication that the suits are to be filed before the Mumbai Court cannot be construed that the jurisdiction of the Trial Court stand ousted by virtue of the In-Voice. The said order is under challenge in this civil revision petition.

7.I heard Mr.A.R.Ramanathan, learned counsel for the petitioner and Mr.V.Balasubramanian, learned counsel for the respondent and perused the entire materials available on record.

8.It is seen that the trial Court has held that mere indication, that too a unilateral stipulation of one of the parties alone will not confer exclusive jurisdiction to a particular Court.

9.It is further held that there is no meeting of minds between the petitioner and respondent conferring jurisdiction over the Mumbai Court as there was no bilateral agreement to that effect which is unambiguous clear and specific conferring the jurisdiction to the Mumbai Court.

10.On perusal of the available material, it is found that there is no agreement entered between the petitioner and respondent to oust the jurisdiction of a Court, therefore mere printed words in the invoice is insufficient to show that there is ouster of jurisdiction and cannot be construed that Courts at Mumbai are alone empowered to try the issue.

11. In the result, I am unable to find any infirmity or irregularity with the impugned order and therefore the same is sustained. Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2017

vs

Note: Issue order copy on 04.02.2019

Index: Yes

Internet: Yes

To

The XVIIIth Assistant City Civil Court,
Chennai.



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M.V.MURALIDARAN,J.

VS



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