C.S.No.567 and 568 of 2015

N.ANAND VENKATESH,J.

This Court was passing common orders in both the suits and in fact Case Management order was passed for both the suits and the matter is now at the stage of cross examination of P.W. 1 in C.S.No.567 of 2015. Since the time lines fixed by this Court has expired, the matter is posted before this Court for rescheduling the time.

2. The learned counsel appearing on behalf of the plaintiff in C.S.No.568 of 2015 submitted that the nature of transaction that is involved in this case may not fall within the ambit of a commercial dispute as defined under the Act. The learned counsel therefore, submitted that this issue has to be taken into consideration since it touches upon the very jurisdiction of the commercial division to try this case.

3. In the considered view of this Court, this ground has been taken up for the first time and some orders have already been passed in this suit namely C.S.No.568 of 2015 as if it comes within a commercial dispute. However, that cannot be a ground for this Court to proceed further by putting the Doctrine of Estoppel against the plaintiff, since there is no estoppel against a statute. This issue has to be immediately fixed before proceeding further.

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4. The learned counsel appearing on either side shall make their submissions in this regard. Based on the decision taken by this Court, further orders will be passed rescheduling the case management.

N.ANAND VENKATESH.,J

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5. Post this case under the caption "FOR DETERMINATION OF JURISDICTION' on 17.11.2021.

10.11..2021

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