

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

129

CR No.2570 of 2017
Date of Decision:09.11.2017

M/s Design Boxed and others

...Petitioners

Versus

Manpreet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Bhatia, Advocate
for the petitioners.

Ms. Harpreet Kaur, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Defendants-petitioners are in revision petition against order passed by learned trial Court dismissing the application under Order 7 Rule 10 CPC for return of the plaint.

Plaintiff has asserted that Courts at Chandigarh has a territorial jurisdiction in Para 11 of the plaint, which is extracted as under:

“That all the loan transcation took place at Chandigarh loan amount was paid at Chandigarh and loan was to be repaid at Chandigarh. Defendant No. 3 through whom the transcatons were made at Chandigarh was residing at Chandigarh and shifted to Amritsar much later on 13.04.2014. Hence this Hon'ble Court has jurisdication to try and entertain in the present suit.”

Whereas, it is the case of the defendants that no part of cause of

Chandigarh.

In the considered opinion of this Court, this issue can only be resolved by framing a preliminary issue and allowing the parties to lead evidence.

Taking into consideration the aforesaid fact, parties would complete their pleadings. The Court would frame a preliminary issue on the question of territorial jurisdiction and thereafter adjudicate first upon it.

Hence, revision petition is disposed of.

09.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No