

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

**Civil Revision No.8889 of 2017
Date of Decision: 20.12.2017**

M/s Wings International & others

....Petitioners

V/S

M/s Spectra Offset Printers

....Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Ms. Seema Pasricha, Advocate,
for the petitioners.

RITU BAHRI, J.(Oral)

Learned Counsel for the petitioners/defendants filed the present petition against the order dated 01.09.2017 (**Annexure P-1**) passed by the District and Sessions, Judge, Ambala, vide which impugned order dated 15.03.2017 passed by the learned Trial Court is set aside.

Brief facts of the case are that the respondents/plaintiff filed a suit for recovery of Rs. 11,05,597 against the present petitioner-defendants. The basic case of the respondent/appellant was that the respondent/appellant was engaged in a wide range of print pack activities covering almost entire print media needs of an organisation with high quality output using top of the line equipments and modern plant and machinery. The petitioner-defendants were manufacturers and suppliers of mobile chargers, battery with covers, memory cards products etc and had their manufacturing unit at Baddi (Himachal Pradesh). The petitioner-defendants also had their office in Sector 70, Mohali. The petitioner-defendants visited the printing unit of

the respondent/appellant at Ambala and after finding the plaintiff suitable, placed the order for supply of printed material after exchange of correspondence through e-mails on 13.06.2013 and 17.06.2013 at Ambala, confirmed by the petitioner-defendants on 24.06.2013 by sending JPG files for approval from Ambala. The petitioner-defendants placed a purchase order for supply of printed inner, outers, labels for the chargers and batteries supplied and marketed by them. The respondent/appellant procured raw material and started printing and manufacturing the material as per the design, art work and specification etc. The material was supplied on different dates starting 01.07.2013. However, some outstanding balance of Rs. 6,22,519/- remained which was not paid by the petitioner-defendants. Ultimately, the amount swelled to Rs.11,05,597/- in all, for which the suit for recovery was filed.

The petitioner-defendants appeared and filed an application under Order 7 Rule 11 CPC for rejection of plaint raising the ground of territorial jurisdiction and submit that the petitioner-defendants are resident of Mohali (Punjab) and works for gain at baddi (Himachal Pradesh) and the head office is at Mohali. It was averred that no cause of action had arisen in favour of the respondent/appellant and that no business transaction of any nature had taken place at Ambala and reliance was placed upon the section 20 and 21 CPC. Keeping in view the facts mentioned in the application trial court vide order dated 15.03.2017 had returned the plaint to the respondents/appellant with a direction to present the same before the proper Court of jurisdiction.

The above said application was resisted by the appellant-plaintiff, for which reliance was placed upon Section 20(C) CPC. It was

averred that the cause of action had arisen at Ambala. After going through the facts it cannot be said that the cause of action had not arisen at Ambala.

As per the provisions of Section 20(C) CPC which reproduced as under:

Other suits to be instituted where defendants reside or cause of action arises: subject to the limitations aforesaid, every suit shall be instituted in a court within the local limits of whose jurisdiction:

(a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works or gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily reside, or carries on business, or personally works for gain, provided that in such case either the leave of the court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises."

a suit can be filed where the cause of action wholly or in partly arises. Reliance in this regard can also be placed upon a judgment of this Court in the case of **'Sangrur central co-operative bank ltd. Vs M/s Deepak Kumar and another, 2016(4) PLR 76.** in which the respondent/appellant was allotted work of advertisement on the Bus Stand Sangrur. The order was received by him at Bhatinda. It had also been addressed to the plaintiff at his Bhatinda address. It was therefore, held that

the part of the cause of action had arisen at Bhatinda and, therefore, the Civil Court at Bhatinda would have the territorial jurisdiction for filing a suit for recovery. However, in the present case also, order was received by the appellant-plaintiff at Ambala; the manufacturing was done at Ambala; the dispatch was also made from Ambala and, therefore, the cause of action in the part arose at Ambala when the payment has not been made. In the present case, petitioner is not denying that the goods supplied to them at Baddi from Ambala. Even if head office of petitioner-defendant is at Mohali, the suit for recovery has to be filed as per Section 20 (C) of CPC, this order has rightly been passed by going through the above cited judgement passed by this Court.

A perusal of the order further shows that Learned counsel for the petitioner reliance upon **Tirumala Tirupati Devasthanams, Tirupati Rep. By its Executive Officer Versus M/s Shree Devasthanams, rep. By its Proprietor, Hyderabad 2011(1) Civil Court Cases 341(A.P.); Parkash Kaur Versus K. G. Ringhshia, 1998(2) Civil Court Cases 59(Delhi); and Mohannakumaran Nair Versus Vijayakumaran Nair, 2008(1) RCR (Civil) 21 (S.C.)** . There is absolutely no dispute in the ratio laid down in the said judgments. However, they are not applicable to the facts of the present case . Further going through the Judgement passed by the Hon'ble Andhra Pradesh High Court in case of **Tirumala Tirupati Devasthanams, Tirupati Rep. By its Executive Officer Vs. M/s Shree Distributors, rep. By is Proprietor, Hyderabad** this judgment has also rightly been not applicable to the facts of the present as in this judgement it has also been held that the supply of goods from a particular place does not confer Jurisdiction on Courts at the place unless it is so mentioned in the contract that goods will

be supplied from that particular place.

However, in the present case the documents on records suggest and show that the order was received by the defendant-appellant at Ambala, manufacturing was done at Ambala, the dispatch also made from Ambala and, therefore, the cause of action in the part arose at Ambala when the payment has not been made. The cases referred by the learned counsel for the petitioner are also not applicable to the facts of the present case and respondent/appellant manufacturing its goods at Ambala and it is not that the respondent/appellant is involved in trading of goods. Once, it is manufacturing of goods done at Ambala, then there can be no contract to the contrary.

Hence, the present petition stands dismissed.

December 20th, 2017
Riya

(RITU BAHRI)
JUDGE