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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1756/2010 and I.A No. 11499/2010 (under Order XXXIX
Rule 1 and 2 CPC)

THE INDIAN PERFORMING RIGHT SOCIETY LTD Plaintiff

Represented by: Mr. Munish Mehra with Mr.
Sumant Narang and Ms.
Riddima Sharma, Advocates.

versus

HOTEL MADHUBAN & ORS Defendant

Represented by: Mr. Puneet Mittal Senior
Advocate with Mr. Amitej Kr.
Nagar, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.10.2017

1. This court framed the following preliminary issue on 7th February, 2017:-

“Whether this Court has the territorial jurisdiction to entertain the present suit? OPP”

2. Learned counsel for the plaintiff fairly states that in view of the decision reported as 227 (2016) DLT 320 Ultra Home Construction Pvt. Ltd. vs. Purushottam Kumar Chaubey & Ors. this Court has no territorial jurisdiction to entertain the present suit. Hence the plaint be returned to be filed in the Court of appropriate jurisdiction.

3. The plaintiff in the present suit is based in Mumbai and the defendants also do not have their presence in Delhi. As per the plaint, no cause of action

has taken place at Delhi. Thus this court has no territorial jurisdiction to entertain the present suit.

4. Consequently, the plaint is returned to the plaintiff to be filed in the Court of appropriate jurisdiction.

I.A. No. 11499/2010 (under Order XXXIX Rule 1 and 2 CPC)

Application is disposed of as infructuous.

MUKTA GUPTA, J.

OCTOBER 23, 2017
‘yo’

