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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1196/2017
MYCO ELECTRICALS (PVT) LTD Petitioner
Through: Mr. Gaurav Duggal, Adv.
Versus
UFLEX LTD Respondent
Through: Mr. Rajeev Agarwal, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **30.10.2017**

Caveat No.927/2017

1. The counsel for the respondent / caveator has appeared.
2. The caveat stands discharged.

CM No.38709/2017 (for exemption)

3. Allowed, subject to just exceptions.
4. The application is disposed of.

CM(M) 1196/2017

5. This petition under Article 227 of the Constitution of India impugns the order [dated 31st July, 2017 in CS No.5838/2016 of the Court of Additional District Judge-01 (ADJ), South District, Saket Courts, New Delhi] deciding the preliminary issue of territorial jurisdiction in favour of the respondent / defendant and against the petitioner / plaintiff and dismissing the suit.
6. The order impugned is a decree and appealable under Section 96 of the Code of Civil Procedure, 1908 (CPC). Even if the order were to be of return of plaint under Order VII Rule 10 of the CPC, it would have been appealable under Order XLIII Rule 1(a) of the CPC.
7. Be that as it may, this petition is not maintainable and is rejected with liberty to the petitioner / plaintiff to take appropriate remedy.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 30, 2017/‘gsr’..