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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.413 OF 2017

FL Smidth Private Limited	...	Applicant.
V/s.		
M/s Sunrise Heavy Lifters Pvt. (Ltd)	...	Respondent

Ms. Vinita a/w Ms.Saylee and Mr.Ankur I/by Orbit Law Services, for Applicant.

Mr. Shyam Dewani, a/w Mr. Pratik M. Thakkar and Mr. Chirag, i/by Dewani & Associates, for respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd APRIL, 2018.

P.C. :

1] Heard learned counsel for the applicant and learned counsel for the respondent.

2] By this Revision Application, the applicant is challenging the order dated 3rd April, 2017 passed by Ad-Hoc Judge, City Civil Court, Mumbai, thereby dismissing the Notice of Motion No.157 of 2017, in Summary Suit No.292 of 2016.

3] The said Summary suit was filed by the respondent for recovery of an amount of Rs.11,53,570/-.

4] According to petitioner, the trial Court had no jurisdiction to entertain and try the suit, mainly on the ground that the scope of

the work order was to be executed at Kelambakkam. The office of the petitioner is at Chennai. The cranes were to be supplied at Korba, Madhya Pradesh and hence as purchase orders were also placed from Kelambakkam where the petitioner is having office, City Civil Court, Mumbai cannot have jurisdiction to entertain the suit.

5] However, as rightly held by the trial Court, the purchase order was accepted in the office of respondent at Mumbai. The invoices were also issued from Mumbai. The notice was sent to the petitioner from Mumbai. The payment was receivable at Mumbai. The objection for non payment of money was also communicated at Mumbai. Therefore, part of the cause of action definitely arose in the territorial jurisdiction of Mumbai, in view of section 20(c) of Code of Civil Procedure, hence, the trial Court has rightly held that it has territorial jurisdiction to entertain the suit.

6] The Revision Application, therefore, holds no merit and stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]