

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION NO.5457 OF 2018

O R D E R

This civil revision petition, filed under Article 227 of the Constitution, arises out of the Docket Order dated 21.08.2018 passed by the learned XV Additional District and Sessions Judge, Ranga Reddy District at Kukatpally, in I.A.No.865 of 2018 in O.S.No.919 of 2018. The petitioner is the first defendant in the said suit. By the order under revision, the trial Court opined that a *prima facie* case was made out and directed the furnishing of security for the suit amount within 48 hours of service of notice failing which the petition schedule property belonging to the first defendant was directed to be attached. Aggrieved thereby, the first defendant in the suit is before this Court.

By order dated 20.09.2018, this Court granted interim suspension of the order under revision. This order reads as follows:

‘Whether the trial Court has jurisdiction at all to entertain the suit in the light of Section 2(1)(c)(xviii) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, requires examination.

There shall accordingly be interim suspension as prayed for.’

Heard Mr. Omer Farooq, learned counsel representing Mr. Avinash Desai, learned counsel for the petitioner/first defendant, and Ms. B.Sapna Reddy, learned counsel representing Mr. B.Sudhakar Reddy, learned counsel for the first respondent/plaintiff.

O.S.No.919 of 2018 was filed by the first respondent/plaintiff for recovery of a sum of Rs.1,17,88,571/- with interest thereon. The suit claim arose out of the contract whereby the first respondent/plaintiff was

required to give on hire heavy equipment on monthly rental basis to the petitioner/first defendant. This contract would fall squarely within Section 2(i)(c)(xviii) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (*for brevity*, 'the Act of 2015'). In terms of the prayer and the cause of action for the filing of O.S.No.919 of 2018, it is only the Commercial Court constituted under the Act of 2015 which would have exclusive jurisdiction to try the suit. This is in keeping with Section 6 of the Act of 2015 read with Section 21 thereof. Therefore, the learned XV Additional District and Sessions Judge, Ranga Reddy District at Kukatpally, had no jurisdiction whatsoever to entertain O.S.No.919 of 2018, let alone pass an interim order therein. It was only the Commercial Court of the learned XIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, which had sole and exclusive jurisdiction to try the suit and also adjudicate upon the interlocutory applications filed therein. The order under revision is therefore bereft of jurisdiction.

In that view of the matter, the civil revision petition is allowed setting aside the Docket Order dated 21.08.2018 passed by the learned XV Additional District and Sessions Judge, Ranga Reddy District at Kukatpally, in I.A.No.865 of 2018 in O.S.No.919 of 2018, as it was wholly without jurisdiction. O.S.No.919 of 2018 along with the I.A.s filed therein shall be transferred from the file of the learned XV Additional District and Sessions Judge, Ranga Reddy District at Kukatpally, to the Commercial Court of the learned XIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. Thereupon, the said Court shall adjudicate upon I.A.No.865 of 2018 filed in the said suit expeditiously.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

21st DECEMBER, 2018

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