

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE M.GANGA RAO  
CIVIL REVISION PETITION NO.7376 OF 2018

ORDER  
(*Per Hon'ble Sri Justice Sanjay Kumar*)

This civil revision petition filed under Article 227 of the Constitution was moved by way of a lunch motion today. It arises out of O.S.SR.No.5563 of 2018 which was returned, *vide* order dated 11.12.2018, by the learned Judge, Commercial Court-cum-XIII Additional District Judge, Ranga Reddy District at L.B.Nagar.

As the suit was returned before registration, we see no reason to put on notice the respondents herein, the defendants in the suit, or afford them an opportunity of hearing at this stage.

Perusal of the order dated 11.12.2018 reflects that the trial Court was of the opinion that the plaintiff company had already offered to issue US dollars security with regard to the investment raised by it and such offering would be governed by the laws of the State of New York and therefore, the plaintiff company would be amenable to the jurisdiction of New York Court.

In this context, the trial Court completely lost sight of the fact that the subject suit, filed for a permanent injunction, was not with regard to any security offered by the plaintiff company in the context of the investments invited by it under the Summary of the Offering dated 19.10.2017. It is no doubt true that in the context of the said Summary of the Offering, the plaintiff company irrevocably submitted itself to the jurisdiction of the US Federal Court or the New York State Court. However, Sri D.Prakash Reddy, learned senior counsel representing Sri K.V.Rusheek Reddy, learned counsel for the petitioner/plaintiff company, would point out that the permanent

injunction sought by the plaintiff company in the subject suit was in relation to the action initiated by defendant No.1 in the suit against defendant Nos.2 to 4 in relation to which defendant No.1 now seeks to attach the properties of the petitioner/plaintiff company.

Therefore, the Summary of the Offering and the jurisdiction of the New York Court to which the plaintiff company submitted itself in relation thereto have nothing whatsoever to do with the subject suit. As defendant No.1 seems to have initiated action before a New York Court on a wholly unrelated issue for the purpose of attaching the properties of the petitioner/plaintiff company situated within the jurisdiction of the trial Court in Ranga Reddy District, the suit ought not to have been returned on the grounds cited by the trial Court *vide* the order dated 11.12.2018. The said order is accordingly set aside and the trial Court is directed to entertain the subject suit and deal with it on merits and in accordance with law.

The civil revision petition is allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

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SANJAY KUMAR, J

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M. GANGA RAO, J

12<sup>th</sup> DECEMBER, 2018

Note: Issue C.C. today.  
B/ o Svv