

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CR No.1602 of 2018
Date of decision: 13.03.2018

M/s Exl Careers and another

..... Petitioners

Versus

Frankfinn Aviation Services Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Naveen Kumar, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

By an order dated 05.09.2017, this Court had allowed the revision petition filed by the petitioner and directed the Court to return the file in accordance with the provisions of Order 7, Rule 10 and 10-A of the Code of Civil Procedure finding that the Court at Gurugram was not having any territorial jurisdiction. Learned Court in compliance with the order has directed the parties to appear before the Transferee Court on 12.03.2018 and the file of the case has been forwarded to a competent Court of jurisdiction i.e. Transferee Court.

Learned counsel for the petitioners contends that once the file is transferred, the evidence which has already been recorded would be read. He submits that under Order 7, Rule 10 and 10-A, only plaint can be returned and there has to be de-novo trial.

This Court has considered the submission, however, do not find any substance therein. During the pendency of the revision petition, the parties completed their pleadings and got recorded their evidence. The

aforesaid pleadings and evidence recorded cannot be set at naught only because the suit itself has been transferred to the Transferee Court after finding that the Court at Delhi has the exclusive jurisdiction in view of the agreement between the parties.

In view thereof, there is no scope for interference with the order passed by the Court.

Revision petition is dismissed.

13.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No