

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.128

CR-6007-2018

Date of decision: 10.09.2018

M/s Synokem Pharmaceuticals Limited

....Petitioner

versus

M/s Klean Air Equipment and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 28.08.2017 passed by the Civil Judge (Junior Division), Faridabad (for short – the Trial Court) dismissing the application filed by the petitioner under Order 7 Rules 10 and 11 CPC read with Section 16 and 20 CPC.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed before the Trial Court at Faridabad a suit seeking therein recovery of over ₹ 40 lakhs from the petitioner. While the suit was pending, the petitioner filed an application under Order 7 Rules 10 and 11 CPC read with Section 16 and 20 CPC seeking return of respondent No.1's plaint to be filed before an appropriate Court. According to the petitioner, the Court at Faridabad had no jurisdiction to try respondent No.1's suit as the work order had been accepted at Delhi and the work in question had been executed at Haridwar. The Trial Court rejected the petitioner's application occasioning the filing of the present petition.

Learned counsel for the petitioner has been heard.

It is not disputed that the orders accepting respondent No.1's quotation by the petitioner were sent to respondent No.1 at Faridabad and it is from Faridabad that respondent No.1 had issued various invoices which remain unpaid leading to the filing of the aforesaid recovery suit.

In view of the above, whether the Trial Court at Faridabad has jurisdiction in the afore-referred recovery suit is an issue which needs to be gone into with more depth and on a bare reading of the averments made in the plaint, the same cannot be returned. Thus, no error is found in the order impugned in the present proceedings whereby on an application filed by the petitioner under Order 7 Rules 10 and 11 CPC, the Trial Court has refused to return the petitioner's plaint.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 10, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No