

CR No.6014 of 2018(O&M)
Date of Decision: 10.09.2018

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

RAJ MOHAN SINGH, J.

[3]. Learned counsel for the petitioner submitted that the case is covered under Section 20 CPC and the suit at

Faridabad has no cause of action.

[4]. Perusal of the record would show that company business of the plaintiff is at Faridabad. Purchase order was placed at Faridabad. Goods were supplied from Faridabad to Haridwar. No document has been produced by the defendants to show exclusion of jurisdiction of other Courts except Delhi. The supply of air conditioning material was made by the plaintiff to the defendants at Haridwar and consignments started from Faridabad.

[5]. Section 20 CPC provides for cause of action. As per Section 20(c) CPC, suit can be instituted, where cause of action wholly or in part arises. Reading of Section 20 CPC would show that unless a case could be brought within the ambit of Clause (c), it is the convenience of the defendants which appears to be upper most in the mind of the framers of the Code. That is why Clause (a) and Clause (b) sought to confer the jurisdiction only on such Courts where defendants reside or carries on business. The explanation (II) in some measures, sought to take into view the convenience of the plaintiff as well as where it happened to be pitched against Corporation having its head office at different places.

[6]. Cumulative effect of interpretation gives rise to a positive case in favour of the plaintiff that firstly preference has

to be given to the cause of action as covered under Section 20 (c) CPC and thereafter, in case of no applicability, Clause (a) and (b) would come into operation. Reference can be made to **Surinder Kumar Arora Vs. The Bengal National Testile Mills Limited, AIR 1979 Page 156 (Punjab).**

[7]. At the stage of Order 7 Rules 10 and 11 CPC, only averments made in the plaint are to be seen. The provision has the effect of warding off the litigation from the starting and therefore, the provision has to be construed strictly in terms of pleadings of the plaint. The cause of action is a bundle of facts.

[8]. Evidently, the plaintiff/Company has business in Faridbad. Purchase order is found to have been placed at Faridabad from where the goods were supplied to the defendants at Haridwar.

[9]. In view of pleadings made in the plaint, the indulgence at the instance of defendants for rejection of plaint cannot be entertained. No indulgence can be granted in this revision petition. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

September 10, 2018

Prince

**Whether reasoned/speaking
Whether reportable**

**(RAJ MOHAN SINGH)
JUDGE**

**Yes/No
Yes/No**