

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 24th January, 2018

+ C.R.P. 197/2015 and CM Nos.32580/2015, 32581/2015 and
32583/2015

VINOD MEHRA

..... Petitioner

Through: None

versus

ARUN MEHRA

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The petition at hand seeks to assail the order dated 21.05.2015 of the Additional District Judge whereby he dismissed the application of the petitioner (defendant before the trial Court) for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) in the suit (CS 94/2012) instituted by the respondent (plaintiff before the trial Court) on 06.12.2012 seeking a decree for recovery of money in the sum of Rs.18,50,000/- with interest *pendente lite* and future, on the ground of want of territorial jurisdiction.

2. When the matter was called out in its turn, the counsel for the petitioner sought an adjournment on the ground that he is engaging the opposite party in an effort to resolve the dispute amicably. The respondent was not present at that stage. This petition has been pending for the last more than two years and a very short issue is

raised. The request of the counsel for adjournment was declined and the matter was passed over to await the presence of the opposite party. When the matter was called out in the post-lunch session, there was no appearance on either side. The situation has remained the same till 4.20 p.m. There is no good reason to await further or to adjourn the matter.

3. On perusal it is noted that the learned trial judge has rejected the prayer for rejection of the plaint on the ground of want of territorial jurisdiction referring to the fact that the petitioner also works for gain from a premises in Sadar Bazar, Delhi-110 006. The suit in question was filed and is pending on the file of Additional District Judge of Central District of Delhi which has the jurisdiction over the area of Sadar Bazar, Delhi. The contention that the cheques in question were issued against an account in Syndicate Bank, Mayur Vihar, Delhi is inconsequential. Similarly, the fact that the petitioner, defendant in the suit, is a resident of Ghaziabad , U.P. is also no reason to non-suit the plaintiff by the civil court in Delhi. Since the averments in the plaint show that the defendant of the suit (petitioner herein) works for gain from a premises within the territorial jurisdiction of the court concerned, the ground agitated is devoid of substance.

4. The petition is thus dismissed. The applications filed with the petition are rendered infructuous and are disposed of accordingly.

R.K.GAUBA, J.

JANUARY 24, 2018

yg