

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 29 of 2011

Parakh Enterprises, Registered Participate Firm, Gudiyari Padav, Tahsil and District Raipur (C.G.), Through- Participate Anil Parakh, Aged about- 36 years, S/o- Late Devichand Parakh, R/o- Gudiyari Padav, Raipur (C.G.)

---- appellant

Versus

1. Subramaneshwra Oil Industries registered office B-9 N.G.E.F. Ancillary Industrial Estate, Mahadevpura, Banglore (Karnatka).
2. N.S.N. Rao, Aged about- 54 years, S/o- late N.V. Naidu, R/o – T-3 Janjeevan Enclave Bheema Reddy layout Kagadadaspura, Banglore (Karnatka)
3. S.D. Basavraju, Aged about- 35 years, S/o- Late S.M. Devegoda 167, Forth Cross, Forth Men, Bansankari, Third Stage, Bangalore (Karnatka)
4. Dr. P. Narsaiyya, Aged about – 55 years, S/o- Late M. Erappa, 73/B, Vinya Marga Siddhartha Nagar, Maysore-II
5. T.S.N. Murty, Aged about- 59 years, S/o- Late T.S.V. Krishnarao 8/120, Venkateshwar Nagar, Malkhangiri, Hyderabad (A.P.)
6. S.K. Shahi, Aged about- 36 years, S/o- Late Lalan Prasad Shahi, E-151, Patel Nagar, Police Station, Piplani, District- Raisen, At Present R/o- Sukrawari Bazar, Gudiyari, Raipur (C.G.)

---- Respondents

For Appellant : Mrs. Renu Kochar, Advocate with Ms.

Aparajita Gaikwad, Advocate

For Respondents : Mr. Sameer Oraon, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

11/07/2019

1. Heard on application for condonation of delay in filing the instant appeal.
2. On due consideration, the same is allowed and the delay of 27 days is hereby condoned.

3. Also heard on appeal under Order 43 Rule 1 (a) of Civil Procedure Code, 1908.
4. This appeal is preferred under Order 43 Rule 1 (a) of CPC against the order dated 04th October, 2010 passed by the 10th Additional District Judge, Raipur in Civil Suit No. 12-B, wherein the said Court held that parties are under contract and the dispute is subjected to the Court of Bangalore jurisdiction only, therefore, the Court at Raipur has no jurisdiction and returned the plaint as per order 7 rule 10 of the CPC. Admittedly, in the invoice which is binding on both sides, it is clearly mentioned that the dispute is subjected to the Court at Bangalore jurisdiction. When the parties have elected jurisdiction at Bangalore, the trial Court is right in holding that Court at Raipur has no jurisdiction.
5. Accordingly, the appeal has no force and is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge