

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO.05 OF 2019

(Loborate Pharmaceutical India Ltd., thr. its Authorized Officer, Harayana Vs. Leben
Laboratories Pvt. Ltd., thr. its Authorized Officer Haresh s/o Nitilal Shah, Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.A. Mohta, Advocate for Applicant.
Shri A.A. Naik, Advocate for Non-Applicant.

CORAM: ROHIT B. DEO, J.

DATE: 8th APRIL, 2019.

The learned counsel for the applicant seeks leave to withdraw the civil revision application with liberty.

2] Two submissions are made. The first submission is that the objection on the ground of territorial jurisdiction be left open and may be decided on the basis of evidence adduced. The learned counsel for the non-applicant Shri Naik has no objection to such course. The other submission is that the findings recorded in the order impugned ought not to come in the way of the applicant when the issue of territorial jurisdiction will be reconsidered after the evidence is adduced. Shri Naik fairly states that since the findings are recorded only for the purpose of deciding the application under Order 7, Rule 10 and Order 7 Rule 11 of the Code of Civil Procedure, the findings ought not to influence the decision on territorial jurisdiction after the evidence is recorded.

3] The civil revision application is disposed of as withdrawn with liberty to the applicant to raise the issue of territorial jurisdiction after the evidence is recorded. Needless to say, the court shall not be influenced by the findings recorded while deciding application under Order 7, Rule 10 and Order 7, Rule 11 of the CPC. It is stated at the bar that the application under Order 39, Rule 1 and 2 is pending since 05.07.2018. It is expected that the trial court shall decide the said application as expeditiously as possible and in any event within 30 days.

JUDGE