

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

CIVIL REVISION APPLICATION NO.143 OF 2017

(M/S CHECONS FISCAL SERVICES PVT. LTD....VS.. M/S. TRIPTI ALCOBREW LIMITED.)

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.Banik, Advocate for applicant.
Shri S.N.Bhattad, Advocate for non-applicant.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 03, 2019.

Heard.

In the civil suit filed by the non-applicant seeking decree for recovery of amount of Rs.22,99,544/- along with interest, after the issues came to be framed, the applicant/defendant filed an application (Exh.18) praying that the issue of jurisdiction be decided as preliminary issue. By the order dated 21st July 2010, the trial Court accepted the request made on behalf of the defendant and directed that the issue of jurisdiction would be decided as preliminary issue. The parties were granted liberty to adduce evidence on the point of jurisdiction. After the parties adduced evidence, the trial Court passed the impugned order recording that the Court at Nagpur has jurisdiction to entertain and decide the civil suit. Being aggrieved by this order, the defendant has filed this petition.

After exhaustively discussing the evidence adduced by the parties in paragraph No.9 of the impugned order, the learned trial Judge has recorded that the plaintiff has proved that the payment in respect of the transactions between the parties, was made at Nagpur. To support this

claim, the plaintiff has relied on the demand drafts dated 28th April 2004 and 20th May 2004 which show that the demand drafts were drawn at the Bank at Nagpur and they were given to the non-applicant/ plaintiff at Nagpur.

The defendant contends that there is no privity of contract between the plaintiff and the defendant and the defendant is only an agent of Shree Gobinddeo Glass Works Ltd., and if at all the plaintiff has any claim it will be against Shree Gobinddeo Glass Works Ltd., which is not impleaded as party to the civil suit. In support of the claim against the defendant, the plaintiff relies on the letter dated 18th October 2007 (Exh.36). This documentary evidence is also considered by the learned trial Judge while recording that the Court at Nagpur has jurisdiction to entertain and decide the civil suit. The contention of the defendant is examined by the trial Court in the light of the provisions of Section 20 of the Code of Civil Procedure.

After examining the controversy, I do not find any illegality or irregularity in the impugned order which necessitates interference by this Court in the revisional jurisdiction.

The Civil Revision Application is **dismissed**. In the circumstances, the parties to bear their own costs.

As the civil suit is of 2008, the trial Court is directed to decide the civil suit till 16th March 2020.

JUDGE

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