

In the High Court of Punjab and Haryana at Chandigarh

**RSA-1060 of 2019 (O&M)
Date of Decision:16.10.2019**

Texport Syndicate India Limited and others

---Appellants

vs.

STL Global Limited and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Munish Garg, Advocate for
Mr. Rajesh Bansal, Advocate
for the appellants

Rekha Mittal, J.
CM Nos. 2559-60-C of 2019

Heard.

Allowed as prayed for. Delay of 28 days in refileing and 22 days in filing the appeal stands condoned.

Main case

The present appeal has been directed against concurrent findings recorded by the courts whereby suit for recovery of Rs. 15,57,827.31P was decreed and the appellants-defendants were directed to make payment with interest @ 10% per annum from the date of filing of suit till actual realization within two months, vide judgment and decree dated 30.4.2015 passed by the Civil Judge (Senior Division), Faridabad. The appeal preferred by unsuccessful defendants-appellants was dismissed

by the Additional District Judge, Faridabad, vide decree and judgment dated 19.7.2018.

The sole submission made by counsel for the appellants is that civil court at Faridabad does not have territorial jurisdiction to decide the dispute, therefore, findings of the courts on the question of jurisdiction are liable to be set aside and thereafter the plaint may be ordered to be returned to the respondent-plaintiff for presentation before the court of competent jurisdiction. To bring home his contention, it is argued that defendants have their place of business in Bangalore Karnataka and no cause of action giving rise to aforesaid outstanding liability has accrued within the jurisdiction of the court at Faridabad and as such, the court at Faridabad does not have the jurisdiction to entertain and try the present suit. In support of his contention, he has placed reliance upon judgment of Hon'ble the Supreme Court **Mohannakumaran Nair vs. Vijayakumaran Nair 2008(1) RCR (Civil) 21**.

I have heard counsel for the appellants and perused the paper book particularly the judgments impugned.

The First Appellate Court, in para 18 of the judgment, has adverted to the question of territorial jurisdiction of the court at Faridabad and in view of reasons assigned therein, plea challenging jurisdiction of the civil court at Faridabad was rejected. The court has noticed that counsel for the respondent-plaintiff argued that representatives of the defendants-appellants namely Mr. Khushro and Ms. Geeta used to visit at Faridabad and they made payment of Rs. 1,00,525/- through cheque on 3.12.2007 at Faridabad. The defendants cannot deny about business transactions in

between the parties. They have also admitted furnishing of a cheque qua part payment of Rs. 1,00,525/- to the plaintiff on 3.12.2007. Ex. P8 contains as many as 81 invoices and in these invoices, it has been clearly mentioned that “All disputes shall be referred to the Faridabad Jurisdiction”. The defendants could not rebut document Ex. P8, tendered in evidence by PW1, thus, have clearly admitted jurisdiction qua the present dispute with the court at Faridabad.

Counsel has failed to make any submission to challenge the factual findings that part payment of Rs. 1,00,525/- through cheque was made on 3.12.2007 at Faridabad. He has also not disputed that in invoices issued by the respondent-plaintiff, there was a clause that all disputes shall be referred to the Faridabad jurisdiction. He has not disputed correctness of contents of Ex. P8 containing 81 invoices. After receiving these invoices, the appellants never raised an issue contesting plea of the respondent-plaintiff with regard to dispute being liable to be referred to Faridabad jurisdiction.

There cannot be dispute that cause of action is a bundle of facts that constitutes a ground for maintaining a suit before the court of law. Even if fraction of cause of action has accrued within the jurisdiction of a particular court, the same would confer territorial jurisdiction on the said court. Taking into consideration the facts noticed by the court in appeal, the appellants can neither be heard to say that the court at Faridabad lacked territorial jurisdiction to decide the suit nor can they seek aid from what has been held in **Mohannakumaran Nair's case (supra)**, in view of peculiar facts and circumstances obtaining therein.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

16.10.2019
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No