

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3651-2019 (O&M)
Date of decision: 30.05.2019

Nayati Healthcare & Research Pvt. Ltd.

...Petitioner

Versus

Forbes Facility Services Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.K. Rawat, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

This revision petition is directed against order dated 06.03.2019, passed by Civil Judge (Jr. Divn.), Gurugram, vide which, he had dismissed an application under Order 7 Rule 11 CPC for rejection of plaint filed by the defendant for the reason that the Court in question lacked territorial jurisdiction to entertain and try the present suit.

According to the petitioner/defendant, in fact a letter of intent was issued by the Director Hospital Administration, Nayati Multispeciality Hospital, near CNG Petrol Pump, Mathura (UP); the work force was deployed by the plaintiff's company at Mathura, therefore, the Court at Gurugram does not have the jurisdiction to adjudicate upon the controversy between the parties in the civil suit filed by the plaintiff-Forbes Facility Services Pvt. Ltd. against defendant Nayati Healthcare and Research Pvt. Ltd., which has wrongly been done alleging that the registered office of defendant is located at Gurugram, from where the

letter of intent was issued. The plaintiff opposed the application, submitting that the defendant has registered office at Gurugram and a perusal of letter of intent dated 31.03.2016 goes to show that Director Hospital Administration functions from the registered office of the defendant at Gurugram which is corroborated from the E-mail dated 31.03.2016, therefore, in terms of Section 20 CPC, the Court at Gurugram has got territorial jurisdiction to entertain and try the suit.

Learned trial Court after hearing learned counsel for the parties and going through the record has observed that from perusal of E-mail exchanged between the plaintiff defendant, Dr. Raja Dutta, Director Hospital Administration on behalf of defendant had issued the letter of intent and was also communicating with plaintiff's company and in the E-mail dated 31.03.2016, vide which letter of intent was sent to the plaintiff's company, Dr. Raja Dutta has shown himself to be Director of Administration, Nayati Healthcare & Research Pvt. Ltd. and his address is shown to be Block-3A, 3rd floor, DLF Corporate Park, Phase-III, Gurgaon. The trial Court has rather come to the conclusion that from the peculiar facts and circumstances of the case the question of jurisdiction seems to be a mixed question of law and facts, which requires recording of evidence and it would not be proper to decide the question in haste. While saying so, a judgment of Madhya Pradesh High Court has been referred to.

The order is certainly not perverse or arbitrary and it does not suffer from any illegality or infirmity, much less apparent on the face

of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

30.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No