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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 513/2018, IA No.2210/2018 u/O XL R-1 CPC), IA No.2211/2018 (u/O XXVI R-9 CPC), IA No.2212/2018 (u/O II R-2 CPC), IA No.3703/2018 (u/O XXXIX R-1&2 CPC), IA No.7118/2018 (u/S 151 CPC) & IA No.8701/2018 (u/O XXXIX R-1&2 CPC).

ALEXANDER WOLFF KONSTANTIN SEITZ Plaintiff
Through: Mr. Swapnil Gupta and Ms. Ankita Sinha, Advs.

versus

SEITZ INDIA PRIVATE LIMITED & ANR. Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.02.2019

IA No.1816/2019 (of the plaintiff under Order XXXIX R-2A CPC).

1. A perusal of the paper book shows the suit to have been filed by the plaintiff/applicant, as a shareholder of the defendant no.1 Company, for (i) mandatory injunction directing the defendant no.1 Company and the defendant no.2, being the other shareholder, to restore *status quo ante* with respect to the two immovable properties of the defendant no.1 Company at Gurgaon; (ii) reversal of all transactions undertaken in the bank accounts of the defendant no.1 Company; (iii) permanent injunction restraining the defendants from alienating the properties of the defendant no.1 company; and, (iv) for direction to the defendant no.2 to render accounts of the transactions with respect to the defendant no.1 Company.

2. It *prima facie* it appears that the Civil Court does not have jurisdiction to grant the reliefs claimed and the exclusive jurisdiction with respect to

such disputes is of National Company Law Tribunal (NCLT). The claim if any of the plaintiff/applicant is in the nature of oppression and mismanagement by the defendant no.2 in relation to the affairs of the defendant no.1 Company.

3. It is also felt that this Court does not have territorial jurisdiction to grant reliefs as sought with respect to properties situated in Gurgaon, outside the territorial jurisdiction of this Court.

4. The counsel for the plaintiff/applicant seeks adjournment to address on all the aforesaid aspects.

5. It is felt that if the suit itself is misconceived, no purpose will be served in entertaining this application.

6. List on 28th March, 2019 as already scheduled.

RAJIV SAHAI ENDLAW, J

FEBRUARY 06, 2019

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