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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 408/2019**

VINOD KUMAR

..... Petitioner

Through: Mr. Santosh Kumar, Mr. Rajiv R.
Mishra and Mr. Sanchit Bhushan,
Advocates (M: 9711106408).

versus

KATAR SINGH & ANR

..... Respondents

Through: Mr. Naveen Kumar Raheja and Ms.
Meenakshi Jha, Advocates for R-2
and 3 (M: 9810129691).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.02.2020

The impugned order under challenge before this Court is a composite order dated 28th July, 2018 by which the Plaintiff's/Petitioner's (*hereinafter*, "*Plaintiff*") applications under Order VII Rule 10 and Order VII Rule 11 CPC were decided.

The Trial Court has come to the conclusion that the Court lacks jurisdiction under Order VII Rule 10 CPC and has accordingly allowed the said application. Thereafter, the Trial Court has proceeded to reject the plaint under Order VII Rule 11 CPC.

Since the plaint was rejected for want of territorial jurisdiction under Order VII Rule 10 CPC, the Trial Court could not have rejected the plaint on merits. Accordingly, the impugned order, to the extent that it allows the application under Order VII Rule 11 CPC is set-aside. The plaint that has been rejected and is directed to be returned to the Plaintiff for being presented in a Court of competent jurisdiction.

All the defences of the Respondents/Defendants, including the grounds raised in the application under Order VII Rule 11 CPC, are left upon.

The petition and all pending applications are disposed of in the above terms.

PRATHIBA M. SINGH, J.

FEBRUARY 07, 2020
MR