

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 36 of 2021

1. Metcon India Reality and Infrastructure Pvt. Ltd. through Its authorized Director Pratik Singh, S/o Kamta Singh, Aged About 42 Years, Office at 6/2, Mountview, 51, LJ Road, Mahim (W), Mumbai (Maharashtra) (The office address has been changed as per plaint).

--- Petitioner

Versus

1. Niladri Shah, S/o. M.C. Shah, Aged About 38 Years, Partner at Gopal Industries, R/o 88/G, Industrial Estate Hathkhoj, Bhilai, Tehsil and District- Durg (C.G.)
2. Rakshita Ashok Mehta, Director- Metcon India Reality and Infrastructure Pvt. Ltd., Office at 6/2, Mountview, 51, LJ Road, Mahim (W), Mumbai (Maharashtra) (The office address has been changed as per plaint)
3. Ashok Chotu Ram Mehta, Director- Metcon India Reality and Infrastructure Pvt. Ltd., Office at 6/2, Mountview, 51, LJ Road, Mahim (W), Mumbai (Maharashtra) (The office address has been changed as per plaint)
4. Shaurya Ashok Mehta, Director- Metcon India Reality and Infrastructure Pvt. Ltd., Office at 6/2, Mountview, 51, LJ Road, Mahim (W), Mumbai (Maharashtra) (The office address has been changed as per plaint)

--- Respondents

For Petitioner : Mr. Vaibhav Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03/02/2021

1. This writ petition has been brought under Article 227 of the Constitution of India, being aggrieved by the orders dated 13.07.2017 & 06.03.2020 passed by First Additional District Judge, Durg (C.G.) & Sixth Additional District Judge, Durg (C.G.) respectively, dismissing the applications of the petitioner, by which, the preliminary objection was raised regarding territorial jurisdiction of the Court.
2. After considering on the submissions made and perusing copy of the plaint, relevant statement and also copy of issues framed by the Court, it is found that the preliminary issue has not been specifically framed by the trial Court on the point of territorial jurisdiction, on the basis of pleadings that has been made by the petitioner/ defendant No. 4.
3. Hence, this writ petition is disposed of at motion stage. However, the impugned orders are set aside. The trial court is directed to frame issue on the point of territorial jurisdiction of the Court and decide the same at the preliminary stage, after giving opportunity of hearing to the parties. This direction be complied with within a period of one month from the date, this order is passed.
4. In view of the above, this writ petition stands disposed of at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge