

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.2854 of 2016
and C.M.P.No.14530 of 2016

M/s.Karpara Project Engineering Pvt. Ltd.,
Rep. by its Power of Attorney,
113/A, Vinay Bhavya Complex,
159, CST Road, Kalina,
Santa Cruz East,
Mumbai - 400 009.

... Petitioner

Sri Chakra Gases
Rep by its Proprietor
C.Thillairajan,
No.35, Kalaivanar Nagar,
Athipet Post,
Chennai - 600 058.

Vs.

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 08.03.2016 in I.A.No.28 of 2016 in O.S.No.59 of 2015 on the file of the learned Additional District Judge, Thiruvallur at Poonamallee.

For Petitioner : Mr.R.Subramanian
For Respondent : Mr.E.Veda Bagath Singh

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 08.03.2016 passed by the learned Additional District Judge, Thiruvallur at Poonamallee in I.A.No.28 of 2016 in O.S.No.59 of 2015, thereby dismissing the petition filed by the petitioner to return the plaint under Order 7 Rule 10 of C.P.C., for want of jurisdiction.

2. The respondent filed suit for recovery of money as against the petitioner. According to the petitioner, the respondent/plaintiff supplied industrial gas where the petitioner's branch office is situated at Andra Pradesh. The petitioner's company is situated at Mumbai and therefore, the trial Court has no territorial jurisdiction to try the suit. However, the trial Court dismissed the above said application by observing that cause of action of the suit has been arose within the jurisdiction of the Court below.

3. The learned counsel appearing for the petitioner would submit that the Civil Revision Petition may be disposed of with the direction to the trial Court to frame issue in respect of territorial jurisdiction and try the suit.

4. Considering the above submission, this Court finds no illegality or infirmity in the order passed by the Court below. However, the trial Court is directed to frame the issue in respect of territorial jurisdiction of the suit and complete the trial within a period of six months from the date of receipt of copy of this Order

5. With the above directions, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous is closed.

18.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

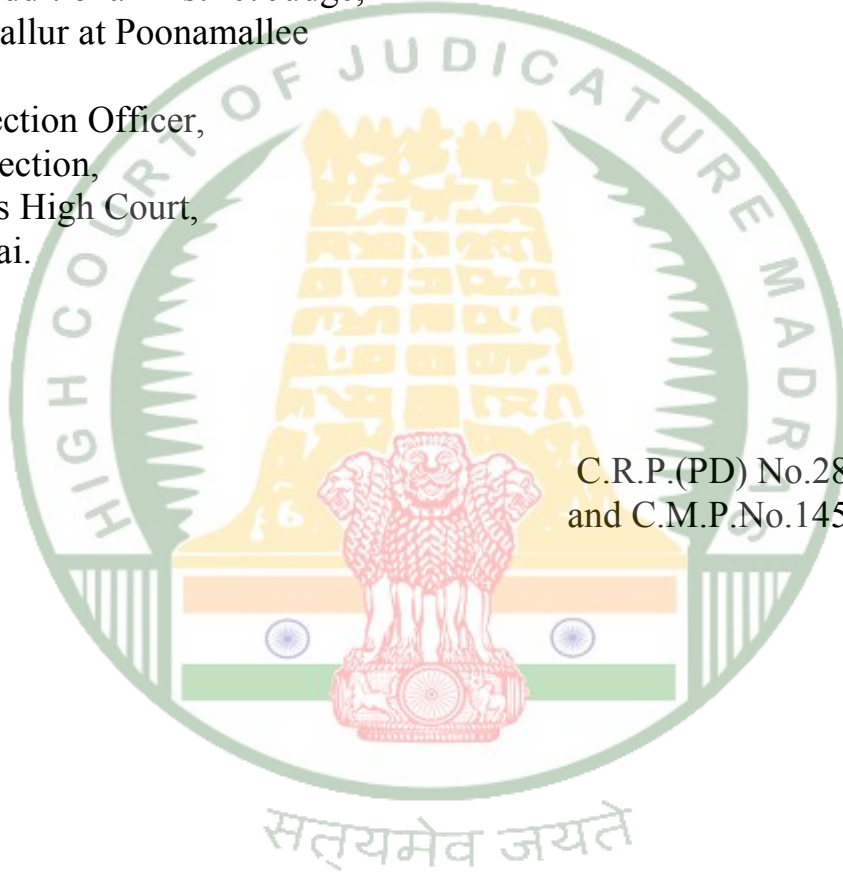
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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Additional District Judge,
Thiruvallur at Poonamallee
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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