



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 12TH DAY OF AUGUST 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.No.2250 of 2021

in

C.S.No.361 of 2020

Mr.Ashok Kumar Jain
Proprietor
M/s.Managalkalash Jewellers
No.152, Mint Street, 1st Floor,
Sowcarpet,
Chennai-600 079.

..Plaintiff

Vs

1.M/s.Challani Ranka Jewellery
Partnership Firm
Rep. by Partners Mr.Sumti Challani
And Mrs.Maya Challani

2.Mr.Sumti Challani
Partner
M/s.Challani Ranka Jewellery

3.Mrs.Maya Challani
Partner
M/s.Challani Ranka Jewellery

All at
119, 1st Floor,
N.S.C.Bose Road,
Chennai 600 079.

Also at
Challani Plaza,
No.36, Veerappan Street,
Sowcarpet, Chennai 600 079.



No.2, Ritherdon Avenue,
Vepery, Chennai-600 007.

..Defendants

A.No.2250 of 2021:

1.M/s.Challani Ranka Jewellery
Partnership Firm
Rep. by Partners Mr.Sumti Challani
And Mrs.Maya Challani

2.Mr.Sumti Challani
Partner
M/s.Challani Ranka Jewellery

All at
119, 1st Floor,
N.S.C.Bose Road,
Chennai 600 079.

Also at
Challani Plaza,
No.36, Veerappan Street,
Sowcarpet, Chennai 600 079.

No.2, Ritherdon Avenue,
Vepery, Chennai-600 007.

..Applicants/Defendants

Vs

1.Mr.Ashok Kumar Jain
Proprietor
M/s.Managalkalash Jewellers
No.152, Mint Street, 1st Floor,
Sowcarpet,
Chennai-600 079.

..Respondent No.1/Plaintiff

2.Mrs.Maya Challani
Partner
M/s.Challani Ranka Jewellery
No.119, 1st Floor,
N.S.C.Bose Road,
Chennai 600 079.



Also at
Challani Plaza,
No.36, Veerappan Street,
Sowcarpet, Chennai 600 079.

No.2, Ritherdon Avenue,
Vepery, Chennai-600 007.

..Respondent No.2/Plaintiff No.3

Application praying that this Hon'ble Court be pleased to issue of maintainability and jurisdiction of the instant suit in its Commercial Division as a preliminary issue.

This Application coming on this day before this court for hearing, the Court made the following order:

This Application is filed to try the issue of maintainability and jurisdiction of the suit on the ground that the transaction between the plaintiff and the defendant were not a commercial transaction, which could not fall within the definition of Section 2(1)(c)(i) of the Commercial Courts Act.

2. Learned counsel appearing for the applicant submits that the plaint, on reading does not indicate the dispute between the merchants relating to mercantile document and therefore, the suit cannot be tried as a commercial dispute.



WEB COPY

3. Per contra, the plaintiff has filed counter affidavit stating that the suit arising out of goods sold and delivered to the defendant, who is a trader. For the goods purchased, invoices were raised against the defendant. For payment, the defendant has issued several cheques but they were bounced without realisation. Since the dispute involves transaction of merchandise between the two traders and mercantile documents arising out of the said trade, the dispute squarely falls within the Section of 2(1)(c)(i) of the Commercial Courts Act.

4. On perusal of the plaint and the documents filed in support of the plaint, this Court finds that the plaintiff who is the Proprietor of Mangalkalash Jewellers, have sold silver articles and silver bullion to Challani Ranka Jewellery, the first defendant herein which is a trader holding GST No.33AACFC82772A1ZX. The documents enclosed indicates the goods were delivered at premises of the defendant. Cheques drawn on Indian Overseas Bank, Sowcarpet Branch, in favour of the plaintiff signed by the partner of the first defendant firm indicates the commercial transaction between the parties. In such circumstances, this Court holds and determines that this suit is a commercial dispute squarely

falling within the scope and ambit of definition of Section (1)(c)(i) of the



Commercial Courts Act. Hence, Application No.2250 is dismissed. No order as to costs.

Sd./-G.J.J
12.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

JJ 18/08/2021