

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No. 2773 of 2021

DATE OF DECISION :- November 15, 2021

M/s System Engineers Cutting and Welding Pvt. Ltd.

...Petitioner

Versus

Subhash Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Pardhuman Garg, Advocate for the petitioner.

Plaitiff Subash Chand had filed a suit for mandatory injunction against defendant M/s System Engineers Cutting and Welding Pvt. Ltd., Faridabad craving for issuance of mandatory injunction directing the defendant to take back wall crafting and other material wrongly supplied by the defendant to the plaintiff besides seeking recovery of Rs. 6 lacs etc. That suit was filed in the Court of Civil Judge (Sr. Division), Ludhiana. On getting notice thereof the defendant appeared and filed written statement contesting the suit challenging the territorial jurisdiction of civil Court at Ludhiana to entertain and try the same rather contending that such jurisdiction vests with the Court at Faridabad. An application under Order 7 Rule 11 read with Section 151 CPC for return of the plaint was filed on behalf of the defendant. Obviously the provision was wrongly mentioned since Order 7 Rule 11 read with Section 151 CPC deals with rejection of the plaint and the provision relating to return of plaint is under Order 7 Rule 10 CPC. In the prayer clause return of plaint was sought. That application was opposed by the plaintiff. The trial Court vide impugned order had dismissed the application leaving defendant aggrieved who has approached this Court by way of filing the present petition.

I have heard learned counsel for the revisionist besides going through the record.

In this case the territorial jurisdiction of the Court appears to be a mixed question of law and facts. If deemed proper and appropriate and if so advised the defendant may request the trial Court to treat issue in that regard as preliminary one and then the trial Court may decide that question earlier. With such observations, the present revision petition is disposed of.

(H.S. MADAAN)
JUDGE

November 15, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No