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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2545 OF 2022

RAJNISH PANNALAL PANDEY

....PETITIONER

V/s.

INDOSTAR CAPITAL FINANCE LTD.
AND ANR

....RESPONDENTS

WITH

CIVIL WRIT PETITION NO. 2547 OF 2022

PANNALAL CHINTAMANI PANDEY

....PETITIONER

V/s.

INDOSTAR CAPITAL FINANCE LTD.
AND ANR

....RESPONDENTS

WITH

CIVIL WRIT PETITION NO. 2546 OF 2022

RAJAN PANNALAL PANDEY

....PETITIONER

V/s.

INDOSTAR CAPITAL FINANCE LTD.
AND ANR

....RESPONDENTS

Mr. Rajesh Kanojia a/w Adv. Deepika Prabhala a/w Adv. Nikita Singh
i/b Res Juris Advocate for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 11, 2022.

P.C.:

- 1) Order impugned in all these petitions are passed under Section 9 of Arbitration and Conciliation Act, 1996 by the Court at Mohali.
- 2) The contentions is, part of the cause of action to the petition has arisen at Mumbai and as such, Court at Mohali being subordinate Court to High Court of Bombay, this Court has every jurisdiction to entertain the Petition.
- 3) When pointed out that even if part of the cause of action has arisen at Mumbai, even for the sake of arguments, the said contentions are accepted, the fact remains that Respondent has initiated proceedings based on cause of action as has been claimed to have arisen in Mohali which has prompted them to take out proceedings at Mohali. It is always open for the Petitioner to contest the claim either at Mohali before the learned Court which has passed the impugned order or challenge the said order in a Court, by invoking constitutional remedies, having territorial jurisdiction over the said Court.

4) In the aforesaid background, the law which the counsel for the Petitioner has relied on in the matters of **Shanti Devi Alias Shanti Mishra V/s. Union of India and Ors¹** and **Surya Dev Rai V/s. Ram Chander Rai and Ors²** will be of hardly any assistance.

5) In view of above, no case for exercising jurisdiction is made out. All these petitions as such fail, stand dismissed.

[NITIN W. SAMBRE, J.]

¹ Civil Appeal No. 3630 of 2020

² Civil Appeal No. 6110 of 2003