

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

107

**CR-4493-2017 (O&M)
Date of decision : 18.07.2022**

Phyto Life Sciences

...Petitioner

Versus

M/s SSP Private Limited and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Kamal Kumar Chaudhary, Advocate,
for the petitioner.

Mr. Rana S. Biswas, Advocate for
Mr. A.P. Bhandari, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The petitioner herein is the defendant in a suit for recovery of the balance payment. It is the case of the plaintiff that the representative of the defendant-Company came to Faridabad and placed orders for supply of machinery assembled and fabricated by the plaintiff. The plaintiff claims that the defendant-Company has failed to pay the balance payment although approximately 80% of the amount has been paid. Defendant claims that the Civil Court at Faridabad does not have the territorial jurisdiction. The petitioner relies upon an email sent on 27.09.2010 conferring exclusive jurisdiction to the Ahmedabad's Court. The trial Court has dismissed the application.

Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

Learned counsel representing the petitioner contends that though, the Ahmedabad Courts does not have the territorial jurisdiction,

however, since the machinery was installed at Halol, therefore, the jurisdiction lies with that court.

On the other hand, learned counsel representing the plaintiff (respondent No.2) draws the attention of this Court to invoice dated 05.01.2012, wherein it was specifically stated that all legal disputes shall be subject to the jurisdiction of Faridabad Court only.

It is well settled that the parties by an agreement can confer exclusive jurisdiction to the Courts located at a particular location, if the nature of dispute confers jurisdiction to more than one Court located at the different places. Admittedly, as per the case of the petitioner, the Ahmedabad Courts have no jurisdiction. No cause of action has arisen within the jurisdiction of the Ahmedabad Court. Hence, the Ahmedabad Court cannot be conferred exclusive jurisdiction, which it never had, at the first place. After placing the order, the respondent (plaintiff) issued invoice specifying that exclusive jurisdiction lies with Faridabad Court. The cause of action has arisen within the jurisdiction of the Faridabad Court because the goods were supplied as well as the machinery was fabricated and supplied from Faridabad. It is the case of plaintiff that the negotiations for entering into contract were also held at Faridabad.

Hence, the petitioner has failed to make out a ground for interference.

Dismissed.

18.07.2022

anju

**(ANIL KSHETARPAL)
JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No