

CR No.7653 of 2018

Date of Decision:17.08.2022

M/s Ekta Electric Company

...Petitioner

Versus

M/s Aggcon Equipments International (P) Ltd.

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPALPresent:- Mr. Kunal Dawar, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The petitioner herein is the defendant in a suit for recovery of Rs.52,500/-. An application filed by the defendant under Order VII Rule 11 CPC objecting to the jurisdiction of the Court at Faridabad has been dismissed. As per the case, the plaintiff has made online payment of Rs.52,500/- for purchase of material from the defendant and therefore, the cause of action partially accrued at Faridabad. The Court agreed with the case of the plaintiff and dismissed the application.

Learned counsel representing the petitioner contends that the material was purchased by invoice dated 10.05.2013. He submits that the invoice confers exclusive jurisdiction on the Courts located at Delhi and the plaintiff purchased electrical goods from the defendant, who is running his business in Delhi.

The parties to the contract are entitled to confer exclusive jurisdiction if two or more Courts located at different places have the jurisdiction to try the suit. In the present case, as per the sale invoice, the parties agreed to confer exclusive jurisdiction on the Courts located at Delhi.

Moreover, Section 20 CPC applies, in the present case, as per which the other suits are required to be instituted where the defendant(s) reside(s) or the cause of action arises. Mere online transfer of the payment by the plaintiff in favour of defendant from Faridabad would not give rise to a cause of action.

Keeping in view the aforesaid facts, the order under challenge is set aside. The Civil Court is requested to return the plaint to the plaintiff for presentation before the appropriate Court.

With these observations, the present petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

August 17, 2022
P.Bhatt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No