

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

CR-734-2022

Date of decision:-14.3.2022

M/s Bhavani Automotives, Hyderabad and another

...Petitioners

Versus

M/s Mahindra & Mahindra Ltd.

...Respondent

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

Present: Mr.Gaurav Rana, Advocate
for the petitioners.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

In a suit for recovery filed by the plaintiff - M/s Mahindra & Mahindra Ltd. having its Swaraj Division at Phase IV, Industrial Area, Mohali against M/s Bhavani Automotives, Hyderabad Road, Kothi Rampur, Karimnagar, Andhra Pradesh through its proprietor and its proprietor Sh.T.Laxma Reddy under order 37 CPC, notice was issued to the defendants, who put in appearance filing an application for leave to defend. After contest, such leave was granted to the defendants, who filed written statements contesting the claim of the plaintiff, in addition raising legal objections including one with regard to territorial jurisdiction of the

Civil Court at Mohali to entertain and try the present suit contending that only the Courts at Secunderabad and Karimnagar, which fall in the State of Andhra Pradesh have got jurisdiction to entertain and try the suit since the cheques in question had been issued from those places. The defendants prayed for treating it as a preliminary issue, which request was declined by the trial Court vide the impugned order dated 4.1.2022 observing that both the parties had led evidence and the case is now fixed for rebuttal evidence, if any, and for arguments and further the defendants had moved an application under Order 7 Rule 11 CPC to decide the question as to whether the Mohali Court has territorial jurisdiction to entertain and try the present suit, which was dismissed by the trial Court. The defendants preferred a revision petition before this Court, which was also dismissed. As such this question cannot be re-agitated by the defendants by filing a subsequent application.

The defendants feeling aggrieved by that order has filed the instant revision.

I have heard learned counsel for the revisionist/petitioners besides going through the record and I find that there is absolutely no merit in the revision petition.

The order passed by the trial Court is quite well reasoned, based on proper appraisal and appreciation of factual as well as the legal position. It is certainly not perverse, arbitrary or against the settled legal position. There is no reason to interfere with the said order by way of exercising revisional jurisdiction. The trial Court has rightly observed that the case is mature for disposal. The question of territorial jurisdiction

appears to be a mixed question of law and facts, which can be properly decided while hearing arguments on merits.

Thus, finding no merit in the civil revision petition, the same stands dismissed.

14.3.2022

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**