

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

128

**CR-1144-2022
Date of Order: 30.03.2022**

ALM IFROTECH CITY PVT. LTD.

..Petitioner

Versus

KANISHK DHAWAN AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The defendant assails the correctness of order passed by the Additional District Judge-cum-Presiding Judge Exclusive Commercial Court, Gurugram. With respect to the property situated within the jurisdiction of Gurugram, a suit for grant of specific performance of the agreement to sell was filed. In the alternative the relief of recovery was also sought. During the pendency of the suit, the plaintiff gave up its relief for grant of specific performance, however, suit for alternative relief i.e. the recovery continues. An application filed under Order 7 Rule 10 and 11 CPC for rejecting the plaint or returning the plaint for presentation before Delhi Court, has been dismissed.

The learned counsel representing the petitioner contends that since a complaint under Section 138 of the Negotiable Instrument Act, 1881, is pending in the jurisdiction of Delhi, therefore, the Gurugram Court has no jurisdiction.

Once the immovable property is located in the jurisdiction of Gurugram, the plaint cannot be rejected on lack of territorial jurisdiction.

With all these observations, the present revision petition is disposed of.

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

March 30th, 2022

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No