

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

122

CR-4208-2022

Date of decision: 16.11.2022

M/s Bhattacharjee Company and another

.....Petitioners

Versus

M/s Atlas Cycles (Haryana) Ltd. Sonipat

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajnikant Upadhyay, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners/defendants are impugning the order dated 18.04.2022 passed by learned Civil Judge (Sr. Divn.), Sonapat in Civil Suit No.1501 of 2015 titled as 'Atlas Cycles Haryana Ltd. Vs. Bhattacharjee and Company etc.' vide which their application under Order 7 Rule 11 of the Civil Procedure Code, 1908 (for short, 'the Code') seeking rejection of plaint, on ground of jurisdiction, was dismissed.

Learned counsel for the petitioners submits that the impugned order suffers from grave illegality and is un-sustainable being contrary to the settled principles of law. Learned counsel appearing for the petitioner submits that while passing the impugned order, the Trial Court failed to appreciate that the petitioners have been ordinarily residing as well as carrying on their business at Burdwan, West Bengal, hence, the case would fall under Clause (a) of Section 20 of the Code and the jurisdiction thus of the Courts to adjudicate upon the matter would not be in Sonapat but with the Courts at Burdwan, West Bengal. Learned counsel thus submits that since the Courts at

Sonepat did not have the territorial jurisdiction to try the instant suit, the Trial Court while passing the impugned order gravely erred in not rejecting the plaint and allowing the application under Order 7 Rule 11 of the Code.

I have heard learned counsel and perused the relevant material on record.

This Court does not find any force in the submissions made by learned counsel that the case of the petitioners falls under Clause (a) of Section 20 of the Code and hence the Courts at Sonepat have no jurisdiction to try the suit in question. It would be apposite to reproduce Section 20 of the Code to deal with the issue in hand, which reads as thus:-

“20. Other suits to be instituted where defendants reside or cause of action arises.—Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction—

(a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally works for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

Explanation.—A corporation shall be deemed to carry on business at its sole or principal office in 3 [India] or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.”

A bare reading of the above reproduced provisions show that the legislature in its wisdom had used the word '**or**' after every Clause which makes it abundantly clear that a case may be covered

under any of the three Clauses i.e. (a), (b) or (c) of Section 20 of the Code and is not required to fall under all of them.

Coming to the case in hand, it is evident from a perusal of the averments made in the plaint that part of the cause of action did arise in Sonapat, which fact has been admitted by the learned counsel himself during the course of the arguments today. In the circumstances, this Court has no hesitation to hold that the Court at Sonapat does have the jurisdiction to adjudicate upon and decide the suit in question.

Accordingly, the instant revision petition being devoid of any merit is dismissed.

16.11.2022

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No