

31-07-2023
Item no.5
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

FMAT No.340 of 2021
M/s. Milan Automobile
-vs-
Escorts Limited
with
CAN No.1 of 2021

Mr. Ayan Kumar Boral
Mr. Anisur Rahaman ...for the appellant

Ms. Jayanti Paul ...for the respondent

An affidavit of service filed in court be taken on record.

This appeal has been preferred assailing the impugned judgement and order dated 25th March 2021 passed by the learned District Judge, Murshidabad wherein the application under section 9 of the Arbitration and Conciliation Act, 1996 filed by the appellant was rejected. The reasoned order advanced by the learned judge was that there was a forum selection clause in the agreement between the parties conferring exclusive jurisdiction on the courts at Faridabad and that is why the court at Murshidabad was unable to entertain the section 9 application.

Now, it is submitted on behalf of the appellant that Faridabad does not have natural jurisdiction to entertain a suit between the parties in respect of the same subject matter.

We find from the cause title that Escorts Limited, being the respondent in the application filed by the appellant in the learned court below, has its registered

and corporate office at 15/5, Mathura Road, Faridabad. The court at Faridabad would have natural jurisdiction if a suit had been filed there, impleading them as the defendant and stating their office in Faridabad as their place of business.

The learned judge rightly refused to entertain the section 9 application.

We find no infirmity in the said order. The appeal is accordingly dismissed. The connected application (CAN No.1 of 2021) is also disposed of accordingly.

We clarify that we have only ruled on the point of jurisdiction and not gone into the merits of the case which are kept open.

[I.P. Mukerji, J]

[Prasenjit Biswas, J]