

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 22 OF 2023

Mangal Pandurang Patil and Ors.	... Applicants
<i>Versus</i>	
Dr. Jaishree Prabhakar Rao Deshmukh	... Respondent

...
Mr. A.D. Hande – Advocate for Applicants
....

CORAM : GAURI GODSE, J.
DATE : 14th February, 2023

PER COURT :

1. This application is filed for challenging the order dated 15th December, 2022 passed by the 7th Joint Civil Judge, Junior Division, Nanded, thereby rejecting the application filed by the applicants under Order VII Rule 11 of Code of Civil Procedure, 1908. (“CPC”)
2. The learned advocate for the applicants submitted that the suit property is situated within jurisdiction of Mudkhed Court hence, suit filed in the Court at Nanded had no territorial jurisdiction. Hence, learned Judge ought to have returned the plaint for filing it to proper Court under the provisions of Order

VII Rule 10 of CPC. He submitted that, though the application was styled as filed under Order VII Rule 11 of CPC, the learned Judge ought to have considered the issue of territorial jurisdiction and should have returned the plaint for presenting it to the proper Court.

3. The learned Advocate further submitted that the application which is decided by the impugned order is specifically under Order VII Rule 11 of CPC on the ground that, the suit property was situated within the jurisdiction of Court at Mudkhed and hence, plaint be rejected and also plaint be returned directing the plaintiff to submit in the Court at Mudkhed.
4. I have perused the record of the Civil Revision Application. The learned trial Judge has rejected the application on the ground that, the suit is maintainable within the territorial jurisdiction of the Court at Nanded. The learned Judge has recorded that, suit is filed for recovery of amount as stated in paragraph nos. 6 and 8 of the plaint. The learned Judge has further recorded that, defendants' residential address is also shown within the jurisdiction of the Court at Nanded and hence, the issue of the

territorial jurisdiction did not survive. Thus, by referring to Section 20 of CPC the learned trial Judge held that, the Court at Nanded had territorial jurisdiction.

5. I have perused the copy of the plaint. The suit is filed for recovery of amount. Clause - 12 of the plaint specifically refers to territorial jurisdiction of the Court at Nanded. Perusal of plaint and reasons given by the learned trial Judge cannot be faulted with. I do not see any merit in the submissions made by the learned counsel for the applicants. There is no reason to interfere with the impugned order. Hence, Civil Revision Application is rejected.

[GAURI GODSE]
JUDGE