

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 61 OF 2023

M/s. Maheshwari Industries and ors__ Vs. __ Vimala Haridas Bhattad

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Amit Khare, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/06/2023

1] Mr. Khare, learned counsel for the applicant submits that the application which was filed before the learned trial Court was an application under Order 7 Rule 10 of CPC and has in fact been treated as such, which is spelt out from the impugned order dated 11.9.2019.

2] The statement is accepted. The contention is that for the purpose of determining the territorial jurisdiction, an issue was required to be framed and decided by the trial Court.

3] In my considered opinion, in an application under Order 7 Rule 10 of CPC, that is not the requirement of law, as what is required to be taken into consideration are only the plaint averment. In case, the applicant wishes to get the issue of jurisdiction decided as preliminary issue, it is permissible for the applicant to file an application under Order 14 Rule 2 of CPC.

(2)

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In that view of the matter, I am not inclined to interfere in the impugned order. The Civil Revision Application is dismissed.

JUDGE

Rvjalit