

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2897 OF 2024

Vaidya Spaces Private Limited

.. Petitioner

Versus

Suu-Bag Engineering and Piping Systems Pvt.
Ltd.

.. Respondent

.....

- Mr. Mayur Khandeparkar a/w. Aneesa Cheema and Umesh Tiwari
i./by Ashiwinikumar and Co.LLP, Advocates for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 04, 2024

P.C.:

- 1.** Heard Mr. Khandeparkar, learned Advocate for Petitioner.
- 2.** Perused the impugned order dated 29.11.2023 passed below Exhibit-10 in Commercial Suit No.1 of 2023 which is at Exhibit-A, page No.28. The Defendant filed Application below Order VII Rule 10 of the Civil Procedure Code, 1908 for return of plaint on the premise that work was executed in Mumbai and Defendant was based in Mumbai.
- 3.** It was Plaintiff's case that there was a specific jurisdiction clause amenable to the jurisdiction of Thane in the invoices issued by the Plaintiff.
- 4.** However Mr. Khandeparkar has drawn my attention to the contents of paragraph No.15 of the impugned order which negates the case of the Plaintiff on that ground.

5. An arguable case has been made out by Mr. Khandeparkar for issuance of notice to the Respondent.
6. Issue notice to the Respondent. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondent a copy of this order and copy of the Writ Petition and inform it about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents is directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.
7. Respondent is directed to remain present either itself or through Advocate.
8. In the meanwhile, the proceedings in the Commercial Suit No.1 of 2023 shall stand stayed.
9. It is clarified that this Writ Petition shall be disposed of at the stage of admission itself on the next adjourned date.
10. Stand over to **12th March, 2024 at 02.30 p.m.**

H. H. SAWANT

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HANUMANT
SAWANT

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Date: 2024.03.04
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[MILIND N. JADHAV, J.]