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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 724/2023 & I.A. 23886/2023 I.A. 23915/2023 I.A.
24035/2023

MERAPASHU 360 PRIVATE LIMITEDPlaintiff
Through: Mr. Abhay Chattopadhyay and Mr.
Udipto Koushik Sarmah, Advocates

versus

APOLLO SUPPLY CHAIN PRIVATE LIMITED & ANR.
.....Defendants
Through: Mr. Ketan Gaur, Mr. Neil Chatterjee
and Ms. Nidhisha Garg, Advocates

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **10.12.2024**

1. Learned counsel for the plaintiff states on instructions that in view of the objection raised by the defendants to the territorial jurisdiction of this Court as regards the plea of cause of action, the plaintiff in view of the Section 20(c) of the Code of Civil Procedure, 1908 ('CPC') and Explanation read thereto seeks liberty to withdraw this plaint to present the same before the competent Court at Gurugram.
2. Learned counsel for the defendants' states that the objection to the lack of territorial jurisdiction of this Court has been specifically raised in rejoinder to I.A. No. 23915/2023 and the objection with respect to the substantial cause of action having arisen at Gurugram has been specifically raised therein.



3. In reply, learned counsel for the plaintiff states that plaintiff does not admit to the jurisdiction clause printed on the invoice.
4. In the facts noted above, the Court is satisfied that the plaint ought to be returned to the plaintiff to enable it to present it before the Court of appropriate jurisdiction. Accordingly, the Registry is directed to return the plaint to the plaintiff with an endorsement of the date of its presentation along with court fees affix therein in accordance with the rules.
5. Further, in exercise of the jurisdiction of this Court under Order VII Rule 10(A)(2) of the CPC this Court records that the plaintiff shall file the returned plaint before the Commercial Courts at Gurugram and have the matter listed for 20.01.2025. Accordingly, the defendant is hereby put to notice to appear before the said Court on **20.01.2025**.
6. The date of 20.01.2025 has been fixed as per the mutual convenience of the parties.
7. In view of the aforesaid, the present suit is disposed of along with all the pending applications.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 10, 2024/rhc/ms