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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3008/2024 & CM APPL. 41630/2024**
SH VINOD KRIPASHANKAR PATHAK WG CDR RETD
.....Petitioner
Through: Ms. Gita Dhingra and Mr. Bhupinder
Yadav, Advocates.

versus

SH RAMPAL SUHAG COL RETD
.....Respondent
Through: Mr. Amit Minocha, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.07.2024**

CM APPL. 41631/2024(Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 29.05.2024 whereby the learned trial court has observed that there is no requirement of framing any issue with respect to territorial jurisdiction.
2. During course of the arguments, learned counsel for the petitioner has contended that the objection was with respect to the fact that the Courts at Delhi had no jurisdiction and that the Courts at Gurugram had the territorial jurisdiction.
3. She also contends that for the purposes of establishing the aforesaid fact there is no requirement of leading any evidence by her (defendant) and when the case is eventually considered by the learned Trial Court at the time

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of final arguments, she may be permitted to, at least, raise contention qua the above said fact related to territorial jurisdiction.

4. Mr. Amit Minocha, learned counsel for the respondent appears through video conferencing and respondent is also present in court and they have no objection in this regard. Though, at the same time, they contend that the Courts at Delhi possess the requisite territorial jurisdiction.

5. Be that as it may, in view of the aforesaid, the present petition is disposed of with the direction that when the learned Trial Court takes up the matter for final arguments, it may hear the parties with respect to the aspect related to territorial jurisdiction as well and decide the suit in accordance with law.

MANOJ JAIN, J

JULY 25, 2024/ss