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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 303/2022**

M/S. URBANITY JEANS CO.

.....Appellant

Through: Mr. Dhan Mohan with Ms. Tanisha Bhatia, Mr. Prekshy Shukla, Ms. Kavita Goel, Mr. Suyash Pathak, Ms. Jyoti Tripathi, Ms. Jaskaran Kaur, Ms. Nandini Tomar and Mr. Jabar Abdul Shubhan, Advocates.

versus

SHRI ARUN KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

29.07.2024

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FAO 303/2022 & CM APPL. 42304/2024 (stay)

1. CM APPL.42304/2024 has been moved with the prayer that the proceedings pending before the learned Trial Court may be stayed.
2. In order to understand the controversy in question, this Court has gone through the impugned order dated 24.09.2022.
3. The petitioner herein is defendant before the learned Trial Court and seeks rejection of the suit primarily on the basis of the admission made by the plaintiff when he was cross-examined by the defendant.
4. According to learned counsel for the petitioner (defendant before the learned Trial Court) such cross-examination clearly indicates that the Court in question has no territorial jurisdiction and, therefore, the



Court should have returned the suit by invoking its powers under Order VII Rule 10 CPC. He, however, does admit that if the averments made in the suit are considered alone, then the suit had been filed before a competent Court of jurisdiction.

5. After hearing arguments for some time, learned counsel for the petitioner states that he may be permitted to withdraw the main petition as such with liberty to agitate the same issue with respect to the territorial jurisdiction at the stage of final arguments.

6. In view of the above, the present petition is dismissed as not pressed. Liberty, as prayed, is granted and the petitioner (defendant before the learned Trial Court) would be at liberty to raise contention with respect to the territorial jurisdiction before the learned Trial Court at the time of the final arguments.

MANOJ JAIN, J

JULY 29, 2024

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