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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 23rd October, 2024***

+ **CM(M) 3645/2024 & CM APPL. 61341/2024**

**R. KAY FABTEX PVT. LTD. THROUGH DIRECTOR ANAND
KOTHARI**Petitioner

Through: **Mr. Yoginder Singh, Advocate**
(through V.C.)

versus

**VINOD AGENCIES THROUGH ITS PROPRIETOR VINOD
WALIA**Respondent

Through: **Mr. Gurpreet Singh, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for recovery.
2. The pleadings in the above said suit are already complete and it is informed that issues were framed by the learned Trial Court vide order dated 21.10.2020.
3. One of the issues pertains to territorial jurisdiction as well.
4. Fact remains that the defendant (petitioner herein) had moved an application under Order VII Rule 10 CPC seeking return of the suit on the ground of lack of jurisdiction but such application has been dismissed by the learned Trial Court vide order dated 03.06.2024.
5. Such order is under challenge.
6. Learned counsel for the respondent (plaintiff) also appears on advance notice.



7. When asked, it is informed that the case is already at the stage of defendant's evidence.
8. In view of the above said peculiar position and the fact that a specific issue with respect to territorial jurisdiction has already been framed, the present petition is disposed of with the direction to the learned Trial Court to hear the arguments with respect to the aspect of territorial jurisdiction as well at the time of final arguments, without getting influenced by the observations contained in impugned order dated 03.06.2024.
9. It is expected that the petitioner herein participates in the proceedings in the right earnest and does not seek any unnecessary adjournment.
10. The petition stands disposed of in the aforesaid terms.
11. It is, however, clarified that this Court has not given any observation, either way about the issue of jurisdiction.

(MANOJ JAIN)
JUDGE

OCTOBER 23, 2024
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