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

% ***Date of decision: 25th October, 2024***

+ **CM(M) 3720/2024 & CM APPL. 63339-63340/2024**

GAUTAM SEHGAL

.....Petitioner

Through: Ms. Kangan Roda, Mr. Nishant
Bhargava and Mr. Chirantan
Priyadarshan, Advocates

versus

WELL TRANS LOGISTICS PRIVATE LIMITED

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 63339/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3720/2024 & CM APPL. 63340/2024

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 03.09.2024 whereby his application moved under Order VII Rule 10 CPC has been dismissed.
2. A bare perusal of the aforesaid order would indicate that learned Trial Court, in view of the averments made by the plaintiff in its plaint, came to the conclusion that part of cause of action had also accrued or arisen within the territorial jurisdiction of this Court.
3. There is no qualm with respect to the settled legal position that while considering any such application, Court is required to confine itself to the



averments made in the plaint and whether any such meeting took place in Delhi or not, would rather be a question of fact and such fact cannot be disregarded at the threshold of the case, while considering any such application moved under Order VII Rule 10 CPC.

4. When asked, learned counsel for petitioner informed that issues have already been framed by the learned Trial Court and issue with respect to *territorial jurisdiction* is also one of those.

5. Keeping in mind the overall facts of the case, the present petition is disposed of with the direction that while considering the aforesaid issue related to territorial aspect at the stage of final arguments, learned Trial Court shall address the same in accordance with the evidence led /to be led by the parties and would not get influenced by the aforesaid impugned order.

6. Present petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 25, 2024/dr