



2024:DHC:8487



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 28th October, 2024+ **C.R.P. 316/2024, CM APPL. 63659/2024 (stay)**

M/S BIMAL DUGAR

.....Petitioner

Through: Mr. Aniket Gautam, Mr. Additya Kapoor, Mr. Siddharth and Mr. Gourav Mundra, Advocates.

versus

M/S S.K. INTERIOR

.....Respondent

Through: Mr. Rajeev Lochan Mahunta, Mr. KC Jha and Ms. Naina Chauhan, Advocates.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****CM APPL.63660/2024 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Revision Petition under Section 115 read with Section 151 CPC has been filed on behalf of the revisionist/defendant, to challenge the Order dated 14.08.2024 vide which the Application under Order 7 Rule 11 CPC filed by the revisionist, has been dismissed.
4. In the Application under Order 7 Rule 11 CPC, the defendant had



sought the dismissal of the Suit for Recovery filed by the plaintiff, on the ground that the Court lacks territorial jurisdiction.

5. Learned counsel on behalf of the revisionist has agitated that only part of cause of action sought to have arisen in Delhi, is that the plaintiff had issued an e-mail of acceptance of the offer of the defendant, from its temporary Office in Delhi.

6. **Submissions heard.**

7. The learned Trial Court referred to the Order dated 16.11.2022 whereby the Preliminary Issue in regard to the territorial jurisdiction was considered and it was concluded that it is a question, which can be adjudicated after conclusion of the trial of the Suit and the Issue was accordingly left open to be decided at the time of conclusion of the trial of the Suit. Despite there being a categorical finding by the learned Trial Court, in regard to the territorial jurisdiction, the Revisionist chose to file another Application under Order 7 Rule 11 CPC, taking the same ground on which the Issue already stands adjudicated.

8. The Issue having been left open to be tried after the evidence of the parties, does not merit any further deliberation. However, the Contract Act specifically provides that the part-cause of action arises from the place where the acceptance is conveyed of the offer made by the plaintiff. It cannot be said at this stage that part cause of action not arisen as other events took place outside Delhi. It is a matter of trial.

9. The learned ADJ, therefore, rightly referred to the Order dated 16.11.2022, to dismiss the Application as being devoid of any merits.

10. There is no merit in the present Revision Petition, which is hereby dismissed.



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11. The Revision Petition is accordingly disposed of along with pending application.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 28, 2024/RS

Signature Not Verified

Digitally Signed By: VIKAS
ARORA

Signing Date: 04.11.2024
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