



2024:DHC:9594-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 10.12.2024

+ RFA(COMM) 536/2024
SNEH BIOTECH PRIVATE LIMITEDAPPELLANT
Through: Mr.Rishi Sood and Mr.Gurjot Singh, Advs.

versus

FLEBO.IN PRIVATE LIMITEDRESPONDENT
Through:

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 72468/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 72469/2024

2. This application has been filed by the appellant seeking condonation of 21 days' delay in re-filing the present Regular First Appeal.

3. For the reasons stated in the application, the delay is condoned.

4. The application is disposed of.

RFA(COMM) 536/2024

5. This appeal has been filed challenging the Order dated 13.08.2024, passed by the learned District Judge (Commercial Court), South-West, Dwarka Courts, New Delhi, in CS (COMM)/390/2024, titled *Sneh Biotech Private Limited v. Flebo.In Private Limited.*, by



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which the plaint of the appellant herein has been ‘rejected’, while at the same time, granting liberty to the appellant to file the suit afresh in the Court of competent jurisdiction.

6. The above suit had been filed by the appellant praying for a decree of an amount of Rs.16,61,552/-, along with *pendente lite* and future interest at the rate of 18% per annum till realization, against the defendant.

7. The territorial jurisdiction of the learned Trial Court was pleaded as under:

“That the Plaintiff Company has its registered office situated in Janakpuri. Moreover, the invoices were being sent by the Plaintiff to the Defendant from its registered office. Hence this Hon’ble Court has jurisdiction to try and decide this suit.”

8. The learned Trial Court, by its Impugned Order, has held that it lacks the territorial jurisdiction to entertain the suit.

9. The learned counsel for the appellant confines his challenge against the Impugned Order, by submitting that once the learned Trial Court had held that it lacks the territorial jurisdiction to entertain the suit, it should have returned the plaint in terms of under Order VII Rule 10 of the Code of Civil Procedure (in short, ‘CPC’), 1908, rather than rejecting the plaint under Order VII Rule 11 of the CPC.

10. As even summons in the suit had not yet been issued to the defendant, we do not deem it necessary to issue notice of this appeal to the respondent.

11. We find merit in the limited submission/challenge of the



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appellant against the Impugned Judgment and decree dated 13.08.2024. Once the learned Trial Court had held that it lacks the territorial jurisdiction to entertain the suit, the proper course for the learned Trial Court was to return the plaint to the plaintiff, that is, the appellant herein, instead of rejecting the plaint under Order VII Rule 11 of the CPC.

12. We, accordingly, partially allow the present appeal and modify the Impugned Order dated 13.08.2024 passed by the learned Trial Court, by directing that the plaint in CS (COMM)/390/2024 shall be returned to the appellant for it to be filed by the appellant before the Court of competent jurisdiction.

13. The appeal is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 10, 2024/sg/DG

[Click here to check corrigendum, if any](#)