

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL REVISION APPLICATION NO.747 OF 2023**

1. Royal Metal Printers Private Limited,
A Company incorporated under the
Companies Act,
Plot No.282/2, G.I.D.C. Chanod Naka,
Degam Road, Vapi-396195
District: Valsad (Gujarat)
through its Director,
Vishal Mahendra Aggarwal,
Age 36 years, Occu: Business,
R/o. As above.
2. Mahendra Kumar Aggarwal,
(since deceased)
3. Vishal Mahendra Aggarwal,
Age 36 years, Occu: Business,
Director of:-
Royal Metal Printers Private Limited,
A Company incorporated under the
Companies Act,
Plot No.282/2, G.I.D.C. Chanod Naka,
Degam Road, Vapi-396195
District: Valsad (Gujarat)
AND
R/o. 134/136, Zaveri Bazar, 1st floor,
Mumbai-400002 (Maharashtra).
4. Mamta Mahendra Aggarwal,
Age 62 years, Occu: Business,
Director of:-
Royal Metal Printers Private Limited,
A Company incorporated under the
Companies Act,
Plot No.282/2, G.I.D.C. Chanod Naka,
Degam Road, Vapi-396195
District: Valsad (Gujarat)
AND
R/o. 134/136, Zaveri Bazar, 1st floor,
Mumbai-400002 (Maharashtra).

..Applicants
(Orig. Defendants)

Versus

Anandkumar Vijaykumar Saboo,
Aged 53 years, Occu: Business,

Prop. Of Shree Saboo Synthetics,
8/226, Kapad Market,
Ichalkaranji – 416 115.
Tal. Hatkanangale, District: Kolahpur,
Maharashtra.

..Respondent
(Orig. Plaintiff)

...
Mr. Nagesh Y. Chavan, Advocate for Applicants.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th OCTOBER, 2025.

FINAL ORDER:-

1. The applicants (original defendants) impugn order dated 03.10.2023 passed below Exhibit-28 in Summary Civil Suit No.143/2021 by Civil Judge Senior Division, Ichalkaranji, thereby declining to entertain application of applicants filed below Exhibit-28 seeking rejection of plaint under Order VII Rule 11(d) of Code of Civil Procedure.

2. The respondent (original plaintiff) instituted Summary Civil Suit No.143/2021 before Civil Judge Senior Division at Ichalkaranji for decree of recovery of amount of Rs.8,50,000/- alongwith interest @ 18% per annum. The plaintiff contends that plaintiff is proprietary concern dealing in business of manufacturing and selling of cloth goods having its principal and administrative office at Kapad Market, Ichalkaranji. The business of plaintiff is run by proprietor Anandkumar, who is resident of Ichalkaranji. The defendant no.1- Company is registered under Companies Act and defendant nos.2 to 4 are its Directors. The defendants had Current Account with plaintiff.

They purchased cloth goods on credit from time to time under various invoices. The plaintiff supplied goods. The plaintiff maintained account at his principal administrative office at Ichalkaranji. The defendants have paid certain amounts. The defendants had agreed to pay outstanding amount. All transactions took place at Ichalkaranji. The total amount of Rs.4,84,387/- was due and payable by defendants to plaintiff as on 18.11.2017. The plaintiff demanded said amount alongwith interest. They issued legal notice through Advocate. The defendants admitted contents of notice, but failed to pay amount. Hence, Summary Civil Suit is instituted with cause of action within jurisdiction of Court at Ichalkaranji.

3. The applicants/defendants appeared in suit and filed application under Order VII Rule 11(d) of Code of Civil Procedure for rejection of plaint on the ground that invoices relied upon by plaintiff shows that transaction is “subject to Jaysingpur jurisdiction”. Therefore, Court at Ichalkaranji has no jurisdiction. The Trial Court rejected application vide impugned order dated 03.10.2023. Hence, this Civil Revision Application.

4. Mr. Nagesh Chavan, learned Advocate appearing for applicants invites attention of this Court to invoices, which are made part of plaint and submits that in most of invoices there is specific reference that it is “subject to Jaysingpur jurisdiction”. He would submit that where two or more Courts have jurisdiction to try suit, an agreement between

parties that dispute shall be tried in any one of such Court is recognized. The consignment stipulates note “subject to Jaysingpur jurisdiction”. Therefore, suit instituted at Ichalkaranji cannot be entertained and plaint is liable to be rejected. In support of his contentions he relies upon judgment of Supreme Court in case of ***New Moga Transport Company, through its Proprietor Krishanlal Jhanwar Vs. United India Insurance Co. Ltd. & Ors.***¹.

5. Having considered submissions advanced, it can be observed that plaintiff has categorically pleaded that all transactions, which are subject matter of suit are taken place from head office of plaintiff at Ichalkaranji. The transactions are recorded in books of plaintiff at Ichalkaranji. The defendants have purchased goods from plaintiff on credit as recorded in books maintained at Ichalkaranji. The demand was raised from Ichalkaranji. The notice was issued through Advocate from Ichalkaranji. The cause of action to file suit arose at Ichalkaranji. The plaintiff is doing business within jurisdiction of Court at Ichalkaranji. The thrust of applicants contention is on footnote appearing on some of tax invoices. It is true that, tax invoice dated 07.07.2017 referred at serial no.6 in paragraph no.3 makes reference to “subject to Jaysingpur jurisdiction”, however, other transactions referred in paragraph no.3 do not bear such note. Two transactions dated 17.06.2017 do not bear such note. The same is a case as to other

¹ (2004) AIR (SCW) 2379.

invoices. Therefore, factually it is incorrect to state that all transactions were subject to jurisdiction of Jaysingpur.

6. The Trial Court has rightly observed that from contents of plaint it is not discernible that part of cause of action arose at Jaysingpur. Therefore, even assuming that invoices relied upon by plaintiff restrict jurisdiction to Court at Jaysingpur, such Court would not have jurisdiction unless part of the cause of action arose at Jaysingpur. From plain reading of plaint, there is nothing to show that Court at Jaysingpur would get jurisdiction. Therefore, it is not case where both Courts i.e. Ichalkaranji and Jaysingpur have jurisdiction to try suit. From contents of plaint it is only Court at Ichalkaranji has jurisdiction. Therefore, even applying exposition of law in case of ***New Moga Transport Company, through its Proprietor Krishanlal Jhanwar*** (supra) applicants cannot make out any case for rejection of plaint.

7. It can be observed that applicants filed an application under Order VII Rule 11(d) of Code of Civil Procedure. The Civil Court can exercise powers under said provision, when jurisdiction of Court is expressly or impliedly barred and for that reason plaint can be rejected. This is a case where applicants seek return of plaint under Order VII Rule 10 of Code of Civil Procedure. Therefore, by applying parameters of Order VII Rule 10 of Code of Civil Procedure, unless case is made out that Court at Ichalkaranji has no territorial jurisdiction, order of

return of plaint cannot be passed. Hence, no fault can be found in impugned order.

8. In result, Civil Revision Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE