



WEB COPY

CRP(PD).No.406 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.406 of 2025

and

CMP.No.2516 of 2025

M/s. Accountants and Tax Miners (A.T.M Info Tech)
rep. By its Proprietor, Jayesh Nathalal Sonpal,
C/7, Sunder Bhuwan, Sarojini Naidu Road,
Behind Bhurabhai Hall, Kandivali (West)
Mumbai, Maharashtra -400067.

... Petitioner

Vs.

M/s. USP Packaging Solutions Pvt. Ltd.
No.3, 4th Floor, Gokul Arcade,
No.2, Sardar Patel Road Adyar,
Chennai, Tamil Nadu – 600020.

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal order dated 23.09.2024 passed in IA.No.1 of 2024 in COS.No.292 of 2023 on the file of the Principal Commercial Court, Egmore, Chennai and allow the above CRP.

For Petitioner : M/s.Deepak Srinivasan



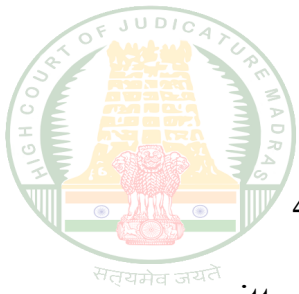
ORDER

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Challenging the dismissal of their petition filed under Order VII Rule 11 of CPC to reject the plaint in a Commercial Suit, the defendant is the petitioner before this Court.

2.The brief facts preceding the filing of this revision petition are herein below set out.

3.The respondent/plaintiff had filed a suit COS No.292 of 2023 on the file of the Principle Judge, Commercial Court, Egmore Chennai for recovery of a sum of Rs.18,57,376/- together with the interest of 18 per cent per annum on Rs.12,67,833/-. The amounts were claimed for the supply of materials to the petitioner/defendant under 9 purchase orders. The respondent/plaintiff's case is that after they were induced in delivering the goods, the petitioner/defendant thereafter had reneged on their agreement and not paid the amount, thereby causing a loss to the respondent/plaintiff. Therefore, the suit.



4. The petitioner/defendant, on entering appearance had filed a written statement in which they had made a preliminary objection on the ground that the statement of truth and affidavit had not been attested as contemplated under Section 26 of CPC and also on the ground that the dispute is subject to the jurisdiction of the courts at Mumbai as per the purchase order placed by the petitioner/defendant. They had also pleaded non-compliance of the provisions of Order VII Rule 11 of CPC apart from denying the suit on merits.

5. During the pendency of the suit, the petitioner/defendant had taken out the impugned application to reject the plaint on the ground of the jurisdiction clause contained in the purchase order which clearly stipulates that it is only the courts at Mumbai which have jurisdiction to deal with the disputes between the parties. They had also objected the plaint stating that since each purchase order create a distinct cause of action, the respondent/plaintiff cannot be permitted to file a single suit in respect of all the purchase orders. Therefore, there is a mis-joinder of causes of action.

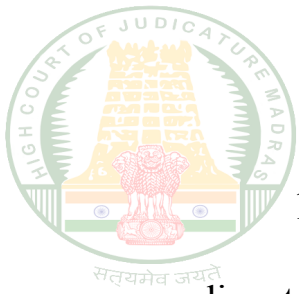


6. The respondent/plaintiff had filed a counter denying the allegations stating that all the documents as contemplated have been filed along the plaint and since the term of the invoice states that the disputes are subject to Chennai jurisdiction, this Court has the jurisdiction to entertain the suit.

7. The learned Principal Judge, after considering the arguments and perusing the records, held in favour of the respondent/plaintiff and dismissed the application filed by the petitioner/defendant to reject the plaint. Challenging the same, the petitioner/defendant is before this court.

8. Heard the counsel for the petitioner and perused the records.

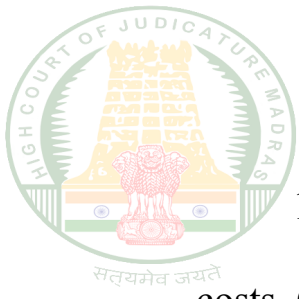
9. The two main grounds on which the petitioner/defendant has challenged the order passed by the learned commercial court are that (a) the suit lacks jurisdiction, (b) there is a mis-joinder of causes of action.



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10. As regards the issue of jurisdiction, the said issue is a disputed issue, since the petitioner/defendant relies upon the purchase order, which says that the courts at Mumbai have the jurisdiction whereas the respondent/plaintiff would rely upon the invoice which is a document generated after the purchase order, which states that it is the courts at Chennai that would have the jurisdiction. Therefore, considering the fact that it is a disputed question which involves letting in evidence and hearing arguments, the suit cannot be rejected at the threshold.

11. As regards the issue of mis-joinder of causes of action, as rightly pointed out by the learned Commercial Court Judge, under Order II Rule 3(1) of the CPC, a plaintiff is permitted to unite several causes of action against the same defendant. In this case, the plaintiff has done so, and there is no anomaly in joining the causes of action. Therefore, the Trial Court has correctly appreciated the issue on hand and dismissed the application. I see no reason to interfere with the same.



CRP(PD).No.406 of 2025

12. In fine, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

WEB COPY

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The _Principal Commercial Court, Egmore, Chennai.



WEB COPY



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P.T. ASHA. J.,

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