



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CR-2803-2019

Decided on:07.01.2025

Veneet Kumar Kohli

... Petitioner

Versus

Gurjinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**PRESENT:** Mr. Harish Goyal, Advocate
for the petitioner.Mr. Dinesh Singh Rawat, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. Present Civil Revision Petition has been filed under Article 227 of the Constitution of India praying for setting aside the order dated 06.03.2019 (Annexure P-1) passed by the Civil Judge (Jr. Divn.), Mohali vide which the application filed by the petitioner/defendant for return/rejection of the plaint due to lack of territorial jurisdiction has been dismissed.

2. Learned counsel for the petitioner has submitted that a perusal of the plaint would show that no cause of action in the present case arises in District Mohali so as to entitle the plaintiff to file the suit for recovery in Mohali. It is further submitted that even the present petitioner is a resident of New Delhi, which fact has also been mentioned in the plaint itself and thus, neither the plaintiff nor the defendant reside in Mohali nor any cause of action has arisen in Mohali either in part or as



whole. It is argued that the agreement dated 21.11.2014, which has been relied upon by the plaintiff, was also signed in Karnal and thus, at best, jurisdiction could have been of the Court in Karnal or in New Delhi. It is submitted that the petitioner had filed an application for returning/rejection of the plaint, however, the trial Court vide impugned order dated 06.03.2019 had dismissed the said application.

3. Learned counsel for the respondent has fairly submitted that in view of the objections raised by the learned counsel for the petitioner, the territorial jurisdiction to try the suit is either in Karnal or in New Delhi and thus, it is submitted that the impugned order be set aside and the plaint be returned to the respondent/plaintiff for it to be presented in the Court in which the suit is to be instituted.

4. Keeping in view the abovesaid facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner and learned counsel for the respondent, the present petition is partly allowed and the impugned order dated 06.03.2019 is set aside and the trial Court is directed to return the plaint to the plaintiff/respondent for it to be presented in the Court where the suit should have been instituted and which has the territorial jurisdiction regarding the same.

07.01.2025

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No

(VIKAS BAHL)
JUDGE