



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-9678-2025

DECIDED ON: 22.12.2025

HDFC BANK LTD AND OTHERS

.....PETITIONER

VERSUS

HEMRAJ CHANDEL

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sitikanth Nayak, Advocate,
Mr. Prateek Rathee, Mr. Asutosh Singh, Advocates,
Mr. Shwas Bajaj and Ms. Samiksha Tiwari, Advocates
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition has been filed by the petitioners challenging the order dated 02.07.2024 passed by the learned Civil Judge (Junior Division), Jalandhar, whereby the application filed by the petitioners under Order VII Rule 11 CPC seeking rejection of the plaint on the ground of lack of territorial jurisdiction was dismissed.

2. The brief facts necessary for disposal of the present revision are that the respondent instituted a civil suit seeking declaration to the effect that the order dated 28.06.2021 terminating his services was illegal, null and void, along with consequential reliefs. The petitioners appeared and filed an application under Order VII Rule 11 CPC contending that in view of Clause XIII (7) of the employment agreement, the courts at Mumbai alone had exclusive jurisdiction to entertain any dispute arising out of employment and, therefore, the Civil Court at Jalandhar lacked territorial jurisdiction.

3. The said application was contested by the respondent by filing a detailed reply, asserting that he was appointed at Jalandhar, had worked at Jalandhar and his services were terminated at Jalandhar and, therefore, the cause of action had accrued at Jalandhar. It was further pleaded that the jurisdiction of a civil court could not be ousted merely by an employment agreement, particularly when the cause of action had arisen within the territorial jurisdiction of the court where the suit was filed.

4. The learned trial Court, after considering the pleadings and hearing the parties, dismissed the application holding that the plaint disclosed that the cause of action had accrued at Jalandhar and that the issue of territorial jurisdiction could not be decided at the stage of Order VII Rule 11 CPC solely on the basis of the employment agreement.

5. Having heard learned counsel for the petitioners. This Court has carefully considered the impugned order and the material placed on record. The scope of consideration under Order VII Rule 11 CPC is well settled. At this stage, the Court is required to look only into the averments made in the plaint and not into the defence taken by the defendant. Rejection of a plaint on the ground of lack of territorial jurisdiction is permissible only when, from a plain reading of the plaint itself, it is apparent that the court has no jurisdiction to entertain the suit.

6. A perusal of the plaint shows that the respondent has specifically pleaded that he was working at Jalandhar and that his services were terminated at Jalandhar. Termination of service is a material, if not decisive, part of the cause of action. Once the plaint discloses that the cause of action, wholly or in part, arose within the territorial jurisdiction of the

court, the plaint cannot be rejected at the threshold under Order VII Rule 11 CPC.

7. The reliance placed by the petitioners on the exclusive jurisdiction clause contained in the employment agreement does not advance their case at this stage. It is a settled principle that an agreement conferring exclusive jurisdiction can operate only when more than one court otherwise has jurisdiction. Such a clause cannot confer jurisdiction on a court which otherwise has none, nor can it oust the jurisdiction of a court where the cause of action has actually arisen. More importantly, in matters arising out of employment, the employee ordinarily has little bargaining power, and the mere existence of a jurisdiction clause in an employment contract cannot, by itself, be decisive for rejection of the plaint at the threshold.

8. Furthermore, whether the jurisdiction clause is enforceable in the facts of the present case, and whether it would override the place where the cause of action accrued, are matters requiring consideration beyond the limited scope of Order VII Rule 11 CPC. These issues can be adjudicated only after evidence is led and cannot be decided merely on the basis of the defence set up by the petitioners.

9. This Court also finds that the application under Order VII Rule 11 CPC was filed at a stage when the suit had progressed and was fixed for cross-examination of the plaintiff. Though delay by itself may not be fatal, it reinforces the conclusion that the issue raised by the petitioners was not such which could be decided purely on the basis of the plaint alone.

10. The revisional jurisdiction of this Court under Article 227 of the Constitution of India is supervisory in nature. Interference is warranted only where the subordinate court has acted without jurisdiction, exceeded its

jurisdiction or committed a patent illegality. The impugned order does not suffer from any such infirmity. The learned trial Court has applied the correct legal principles and has exercised jurisdiction vested in it in a lawful manner.

11. At this stage, it is also recorded that notice to the respondent has not been issued. The present revision petition raises a short question regarding the correctness of the impugned order passed under Order VII Rule 11 CPC. From the pleadings and the impugned order itself, it is apparent that no case for interference is made out. Since the revision petition is being dismissed at the threshold and no prejudice is caused to the respondent, issuance of notice is not required.

12. In view of the aforesaid discussion, the present civil revision petition is dismissed.

13. The observations made herein are confined to the disposal of the present revision petition and shall not be construed as an expression on the merits of the main suit, which shall be decided independently by the trial Court in accordance with law.

14. All pending miscellaneous application(s), if any, stands disposed of.

22.12.2025

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No