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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 353/2025 & CM APPL. 55587/2025**
RUPINDER KAUR MAYLL

.....Petitioner

Through: Ms. Kajal Chandra, Ms. Hatneimawi,
Mr. Ananyay Bhardwaj and Mr.
Suyash Swarup, Advocates.

versus

BHUSHAN JAIN

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **03.09.2025**

CM APPL. 55586/2025 (early hearing)

1. The petitioner is defending a suit which is commercial in nature and is aggrieved by dismissal of his application moved under Order VII Rule 11 CPC whereby they had challenged the territorial jurisdiction of the Court.
2. Keeping in mind the specific averments made in the plaint, such request did not find favour with the Court and, therefore, their said application under Order VII Rule 11 CPC was dismissed.
3. The notice has already been issued and the next date of hearing is 16.01.2026.
4. In the interregnum, the abovesaid application has been moved seeking stay of the proceedings.
5. It is contended by Ms.Kajal Chandra, learned counsel for petitioner that



by the next date of hearing, there is every possibility of trial being over, which would render the present petition infructuous.

6. Fact, however, remains that, while considering any such application moved under Order VII Rule 11 CPC, the Court has to apply the *principle of demurrer* and, the other party has to proceed with the assumption that whatever has been mentioned in the plaint is a *gospel truth*.

7. After hearing arguments for some time, learned counsel for petitioner, without prejudice to her rights and contentions, does not press the present petition. She, however, submits that she would file appropriate application before the learned Trial Court seeking framing of a specific issue with respect to the territorial aspect.

8. Be that as it may, in view of the abovesaid statement, the present petition is hereby dismissed as withdrawn.

9. All the rights and contentions of the parties are reserved.

10. It is entirely upto the petitioner to move any such application before the learned Trial Court and the learned Trial Court would be at liberty to consider and dispose of any such application, in accordance with law.

11. It is, however, clarified that this Court has not made any observation with respect to the merits of the proposed application.

12. The next fixed date i.e. 16.01.2026 stands cancelled.

13. The pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

SEPTEMBER 3, 2025/ss/pb