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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 257/2022 & I.A. 13491-13492/2022, I.A. 21905/2022,
I.A. 8607/2023

DEEP AGARWALPlaintiff
Through: Mr. Kshitiz Khera, Advocate.

versus

M/S SYMBOL TECHNOLOGIES INDIA PRIVATE
LIMITED & ANR.Defendants
Through: Mr. Samiron Borkataky & Mr.
Ikshvaaku Marwah, Advocates for D-
1 & 2.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
14.11.2025

CS(OS) 257/2022 along with I.A. 13491/2022 (on behalf of defendant no. 1 under Order VII Rule 10 of CPC) & I.A.13492/2022 (on behalf of defendant no. 2 under Order VII Rule 10 of CPC)

1. I.A. 13491/2022 has been filed on behalf of defendant no. 1 seeking return of plaint to be presented in a Court of competent jurisdiction and I.A.13492/2022 has been filed on behalf of defendant no. 2 seeking a similar relief.
2. In the Order passed on 25th February, 2025, contention of the plaintiff was recorded that the plaintiff was employed and worked at the Noida Office of the defendant no.1 company.
3. Vide order dated 25th February, 2025, while considering the aforesaid



applications, defendants were directed to file an affidavit as to where the jurisdiction would lie in respect of cause of action asserted by the plaintiff in the present suit.

4. Pursuant to the aforesaid order, an affidavit has been filed on defendant no. 1 stating that the jurisdiction would lie either before the competent courts in Bangalore, Karnataka or Noida, Uttar Pradesh.

5. In light of the aforesaid affidavit, counsel for the plaintiff, on instructions, submits that the plaintiff has no objection if the present suit is returned to be filed before the competent court in Noida, Uttar Pradesh.

6. In the affidavit filed on behalf of defendant no. 2, it is stated that the jurisdiction would lie only with the competent courts in Delaware, United States of America.

6.1. This is disputed by counsel for the plaintiff.

7. Counsel for the plaintiff submits that he is ready and willing to file a suit before the competent court in Noida.

8. A reading of the plaint and the documents filed with plaint does not disclose any part of cause of action arising within the territorial jurisdiction of this Court.

9. Accordingly, the application is allowed and the plaint is ordered to be returned under provisions of Order VII Rule 10 of the CPC to be presented in a Court having jurisdiction.

10. In the event, plaintiff files a suit before the competent court in Noida, it would be open for the said Court to decide whether it has jurisdiction *qua* defendant no. 2 or not.

11. In view of the fact that the plaint is being returned to be filed in a jurisdiction court of competent jurisdiction, the Registry is directed to issue a



certificate of refund of 100% of the Court Fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870.

NOVEMBER 14, 2025
at

AMIT BANSAL, J