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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ FAO(OS) 83/2025 and CM APPL. 45693/2025

PRAYAG POLYTECH PRIVATE LIMITED & ORS.

.....Appellants

Through: Mr. Vipul Ganda, Ms. Avnika Mishra, Ms. Nitu Barik, Mr. Inderjit, Advs.

versus

MANJU AGGARWAL & ORS. .....Respondents

Through: Mr. Preet Pal Singh, Ms. Tanupreet Kaur, Ms. Unnati Sinha, Ms. Medha Navomni, Mr. Abhay Singh, Advs. for R-1

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% **29.07.2025**

1. The present Appeal has been filed by the Appellants under Section 10 of the Delhi High Court Act, 1966 read with Order XLIII of the Code of Civil Procedure, 1908 ('CPC') challenging the order dated 06.05.2025, passed by the Ld. Single Judge in I.A. No. 48812/2024 in CS(OS) 288/2020 captioned ***Manu Aggarwal vs. Prayag Polytech Private Limited and Ors,*** whereby an application under Order VII Rule 10 and Order VII Rule 11 of the CPC filed by the Appellants (Defendants before the learned Trial Court) was dismissed.

2. It is the case of the Appellants/Defendants that the application

filed under Order VII Rule 10 and Order VII Rule 11 of the CPC pertains to the territorial jurisdiction of the Court located in Delhi to entertain the suit.

3. The brief facts of the case are that the Respondent No.1 (Plaintiff before the learned Trial Court) had filed a summary suit under Order XXXVII of the CPC seeking recovery of amount from the Appellant/Defendants. The Appellants/Defendants, thereafter, filed an application seeking leave to contest, which was conditionally allowed by the Ld. Single Judge vide order dated 02.11.2022. The said order was partially modified by the Division Bench vide order dated 25.04.2024 passed in FAO(OS) 151/2022 captioned ***Prayag Polytech Private Limited vs. Manu Aggarwal***.

4. While seeking leave to contest, the Appellants/Defendants raised an objection with respect to territorial jurisdiction of the Court, and the learned Single Judge observed that such objection may be examined at the appropriate stage.

5. Thereafter, the Appellants filed I.A. No. 48812/2024 raising the issue of territorial jurisdiction afresh.

6. The objection of the Appellants pertaining to the territorial jurisdiction of the Court at Delhi is on the ground that the cheque pursuant to the Agreement was dishonoured at Gurugram, Haryana. Learned counsel for the Appellants contends that the cause of action to file the suit arose when the cheque was dishonoured at Gurugram, Haryana. Hence, the Court located within the territory of Delhi has no jurisdiction to entertain the suit.

7. This Court has considered the submissions advanced by the learned counsel for the Appellants.

8. It is not in dispute that the proceedings are currently at a

preliminary stage.

9. The scope of returning the plaint at this stage is, therefore, extremely limited.

10. The Respondent No.1/Plaintiff makes specific averments to claim that the Court at Delhi possess the jurisdiction. A perusal of the plaint reveals the following assertion in paragraph 43:

> *"43. That the Plaintiff resides and works for gain at Delhi. It is submitted that the entire transaction cause of action has arose in Delhi within the jurisdiction of this Hon'ble Court. It is submitted that the Agreement dated 1st April 2018 was executed in Delhi. It is submitted that the cheques drawn pursuant to the Agreement between the parties, were issued and handed over by defendants to plaintiff in Delhi. It is submitted that the entire amount outstanding, due and payable is payable by the Defendants to the Plaintiff at Delhi. Hence, this Hon'ble Court has the Jurisdiction to try this suit."*

11. In view of the aforesaid assertions of the Respondent No.1, this Court is of the opinion that it would not be appropriate to return the plaint at this stage. However, the Appellants are at liberty to raise the objection to jurisdiction in their written statement which in fact has already been taken. Appellants would further be entitled to request the Trial Court to frame a specific issue in this regard at the time of settlement of issues.

12. As regards the plea under Order VII Rule 11, learned counsel representing the Appellants seeks to invoke Clause (d) of Order VII Rule 11 which reads as under:

> *11. **Rejection of plaint.**— The plaint shall be rejected in the following cases:—*
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> *(a) where it does not disclose a cause of action;*
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> *(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;*
>
> *(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper*

within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9:

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]

13. It is trite law that for the purposes of Clause (d), the Court must confine its analysis to the averments in the plaint alone, and not traverse the defendant's pleadings.

14. In view of above, this Court finds no ground to interfere in the impugned order at this stage.

15. The appeal is, accordingly, dismissed. Pending application also stands dismissed.

16. It is, however, clarified that the learned Trial Court shall consider and adjudicate the objection of territorial jurisdiction uninfluenced by any observations made in this order.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 29, 2025/sg/pl