



\$~4

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

FAO (COMM) 225/2024 & CM APPL. 67728/2024 –Delay 61 days.

M/S ROMSONS MEDSOURCE

.....Appellant

Through: Mr.Naman Joshi, Ms.Ritika Vohra, &
Mr.Verdan Jain, Advs.

versus

M/S DOWELL SURGICALS PVT LTD

.....Respondent

Through: Mr.Mayank Tripathi & Mr.Chiranjeev
Mahto, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

04.03.2025

%

1. The present appeal under Section 13 (1A) of the Commercial Courts Act, 2015 seeks to assail order dated 20.07.2024 passed by the learned District Judge (Commercial Court)-01, Tis Hazari Courts, West District, Delhi, in CS (Comm.) No.336/2021. Vide the impugned order, the learned Trial Court has returned the plaint filed by the appellant/ plaintiff by holding that Courts at Delhi did not have territorial jurisdiction to entertain the suit.
2. On 09.12.2024, learned counsel for the appellant, had after arguing the matter at length, submitted that the appellant would be satisfied, in case, this Court were in exercise of its power under Order VII Rule 10B of the Code of Civil Procedure, 1908, direct return of the plaint for being presented before the competent Court at Bengaluru, Karnataka. The matter was adjourned to enable the respondent to



make submissions.

3. Today, learned counsel for the respondent submits that the respondent has no objection to the plaint being returned to the appellant and being presented before the competent Court at Bengaluru, Karnataka.
4. Having perused the impugned order and taking into account the stand of the parties, we dispose of the present appeal by directing the learned Trial Court to return the plaint to the appellant within a period of two weeks from today, which plaint will then be presented before the competent Court at Bengaluru, Karnataka within a period of two weeks from the date of return of the plaint to the appellant. The matter will be listed before the concerned learned District Judge at Bengaluru, Karnataka on 21.04.2025 for listing the suit before an appropriate Court.
5. Needless to state, this Court has not expressed any opinion on the merits of the grounds raised in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

MARCH 4, 2025

sr