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

+ **EFA(COMM) 1/2025 & CM APPL. 2395/2025 (STAY)**

M/S OM CROP SCIENCEAPPELLANT

Through: Mr. Sanjay Rathi, Adv.
versus

**CRYSTAL CROP PROTECTION LTD
& ANR.RESPONDENTS**

Through: Mr. Gaurav Barathi and Mr.
Harsh Gupta, Advs.

**CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **15.01.2025**

CM APPL. 2396/2025 (EX.)

Allowed, subject to all just exceptions.

The applications stand disposed of.

EFA(COMM) 1/2025 & CM APPL. 2395/2025 (STAY)

1. This appeal is directed against the order dated 05 November 2024 pursuant to which an objection taken by the appellant in the course of execution has come to be dismissed. The appellant appears to have asserted before the Executing Court that the Trial Judge lacked territorial jurisdiction to try the suit. The Executing Court, however, has in this regard observed as follows:-

“15. The DH has taken a plea in the plaint that defendant was carrying on business within the territorial jurisdiction of this court and part cause of action occurred within the territorial jurisdiction of this court as purchase order was issued by the JD/defendant to the plaintiff in Delhi.

16. None of these averments were denied by the JD/defendant either in the pleading or during the evidence.



17. The objection regarding lack of jurisdiction of the court, which passed the decree, has been taken by the JD first time in this execution application.”

2. In view of the aforesaid and the conceded failure to have ever contested or questioned the jurisdiction which was exercised by the Trial Judge, we find no justification to interfere with the view as expressed.

3. The appeal fails and shall consequently stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

JANUARY 15, 2025*/neha/nd*