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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR-6630-2025(O&M)
Date of decision: 12.01.2026

M/S GEA WESTFALIA SEPARATOR INDIA PVT LTD

...Petitioner

Versus

SANJAY KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dhananjai Jain, Advocate and
Mr. Abhinav Bansal, Advocate
for the petitioner.

Mr. Avadhesh Kumar, Advocate (through VC)
for the caveator/respondent.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India praying for setting aside the order dated 05.07.2025 passed by Additional District Judge, Gurugram in Civil Appeal No.28 of 2022; and to uphold the return of plaint in suit No.6339 of 2018 to the court of jurisdiction at Gujarat in terms of order dated 06.01.2022 passed by the trial Court.
2. Learned counsel for the petitioner has submitted that in the present case, the suit has been filed by the respondent in Gurugram, which Court does not have the jurisdiction to try the present case. It is, however, submitted that since the petitioner is yet to file the written statement, thus, the petitioner be permitted to file the written statement and also be permitted to raise the said plea of jurisdiction



in the written statement, and the trial Court be directed to decide the said issue along with other issues *de hors* the observations made in the impugned order.

3. Learned counsel for the respondent-plaintiff, on the other hand, has submitted that the Court in Gurugram has the jurisdiction to decide the present suit and the issue with respect to the jurisdiction be decided after taking into consideration the evidence and documents produced by the respondent-plaintiff also. It is further submitted that the said issue be decided *de hors* the observations made by the trial Court in the order dated 06.01.2022.

4. Keeping in view the above said facts and circumstances and the fair stand taken by the counsel for the petitioner as well as counsel for the respondent, the present revision petition is disposed of with the following observations/directions:-

(i) The petitioner be permitted to file the written statement within a period of one month from today. It will be open to the petitioner to raise the issue of jurisdiction in the said written statement. In case the plea of jurisdiction is raised in the written statement, the trial Court would frame the issue of jurisdiction in addition to the other issues which arise in the case.

(ii) In case the issue of jurisdiction under point No.(i) is framed, the trial Court would permit both the parties to lead all evidence in support of the said issue and would decide the said issue along with other issues at the stage of final adjudication of the case *de hors* the observations made in orders dated 06.01.2022 and 05.07.2025.

5. It is made clear that this Court has not opined on the merits of the case and it will be open to the parties to raise all the pleas as are available to

them, during the course of trial.

6. Pending applications, if any, shall stand disposed of accordingly.

(VIKAS BAHL)
JUDGE

12.01.2026
mohit goyal

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No