



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

127

CR-7976-2025(O&M)
Date of decision: 24.02.2026

B.T. Trading Company

...Petitioner

V/s

Smt. Alka Bansal

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Premjit Singh Hundal, Senior Advocate with
Mr. Kanwar Harjinder Singh, Advocate and
Mr. Jasjeet Singh Brar, Advocate, for the petitioner.

Mr. Sanjay Mittal, Advocate, for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 18.08.2025 passed by the Court of District Judge, Gurugram, vide which the appeal preferred against order dated 11.05.2023 passed by the Court of Civil Judge (Jr. Divn.), Pataudi rejecting the plaint by invoking the provisions of Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short the "CPC") was allowed and the respondent-plaintiff was called upon to deposit the *ad valorem* Court fee.

2. A suit for recovery of Rs.11 lakhs along with interest @ 12% p.a. was instituted by the respondent-plaintiff (Alka Bansal) against the petitioner-defendant (B.T. Trading Company) in the Court of Civil Judge, (Jr. Divn.), Pataudi (Annexure P-1). During the pendency of the suit, an application under Order 7 Rule 11 CPC was instituted by the petitioner-defendant seeking rejection of the plaint primarily on the ground of territorial jurisdiction and limitation.

3. The said application was opposed by way of a reply (Annexure P-3).

4. Vide order dated 11.05.2023, the said application was allowed on the ground of territorial jurisdiction and the plaint was ordered to be rejected. Aggrieved by the same, an appeal was preferred by the respondent-plaintiff. The said appeal was allowed by the Court of District Judge, Gurugram and the respondent-plaintiff was called upon to deposit the requisite Court fee within a period of 15 days.

5. I have heard learned counsel for the parties.

6. During the course of arguments, learned counsel for the respondent has pointed out that in compliance of the order passed by the first appellate Court, the Court fee stands deposited.

7. On a query having been put by the Court, learned counsel for the parties concede that once a suit was found to be barred by territorial jurisdiction, the plaint should have been ordered to be returned under the provisions of Order 7 Rule 10 CPC and could not have been rejected.

8. Learned counsel for the parties very fairly concede that the Courts at Pataudi do not have the territorial jurisdiction to try the suit.

9. Learned counsel for the respondent-plaintiff, however, submits that since he has already deposited the requisite Court fee, the same be ordered either refunded to him or adjusted in accordance with law. As regards limitation, he submits that he shall avail the benefit of Section 14 of the Limitation Act, 1963 (for short "the Limitation Act") since he had been pursuing a wrong remedy.

10. That being so, the impugned order dated 18.08.2025 passed by the Court of District Judge, Gurugram is set aside. The plaint is ordered to be returned to the plaintiff-respondent for its presentation to the Court having jurisdiction to deal with the same. The Court fee be either refunded to the

respondent-plaintiff or adjusted in accordance with law to enable her to pay the same in the Court having jurisdiction. As regards limitation, the same shall be dealt with the Court concerned, where the matter is presented, keeping in view the provisions of Section 14 of the Limitation Act.

11. The revision petition is, therefore, disposed of in the above terms.
Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 24, 2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No