



2026:DHC:2516



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 3610/2026, CM APPL. 17512/2026, CM APPL. 17513/2026**Date of Decision: **20.03.2026****IN THE MATTER OF:****TRIBHUVAN GAUR & ANR.**

.....Petitioner

Through: Mr Manish Shanker Srivastava, Ms Ankita Gaur, Mr Surendra Kumar Maurya, Mr Abhas Upmanyu, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Shashank Bajpai, CGSC, Ms. Aashna Mehra, Ms. Vaishnavstuti, Mr. Vatsal Tripathi, Mr. Govind Singh Chauhan, Advocates.
Major Kanika Sharma, Army. For R-1 to 3.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The deceased Major Prabhat Gaur was serving in the Indian Army and was last posted in Army Officer Training Academy in Chennai in the year 2002.

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SHARMA

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2. On 25.02.2023, he was found dead at his official quarter. A First Information Report bearing no. FIR No.117/2003 dated 25.02.2003 was registered and the post-mortem examination was conducted at Chennai.
3. The petitioner who claims to be the elder brother of the deceased sought for certain information from respondents.
4. It appears that the respondents are situated in Delhi, therefore, the petitioner has approached this Court. However, the situs of the respondents cannot be the reason to invoke the jurisdiction of this Court.
5. This Court in the case of ***The Indure Pvt. Ltd. v. Government of NCT of Delhi***,¹ has held that the situs of the respondent will not be the sole reason to determine the territorial jurisdiction of the Court to entertain a writ petition. The paragraph no. 36 of the said decision is extracted as under:

“36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India Superior Court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a lis which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the jurisdiction of this Court, a writ petition ought not be entertained by this Court.”

6. In the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,², in paragraph no. 30, has held as under:

“Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In

¹ 2026:DHC:1605.

² (2004) 6 SCC 254.



appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See Bhagat Singh Bugga v. Dewan Jagbir Sawhney [AIR 1941 Cal 670 : ILR (1941) 1 Cal 490] , Madanlal Jalan v. Madanlal [(1945) 49 CWN 357 : AIR 1949 Cal 495] , Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd. [1997 CWN 122] , S.S. Jain & Co. v. Union of India [(1994) 1 CHN 445] and New Horizons Ltd. v. Union of India [AIR 1994 Del 126] .]”

7. In view of the above, applying the principle of *forum conveniens* the petition stands dismissed as the material, integral and essential part of cause of action has arisen outside the jurisdiction of this Court. Liberty is, however, granted in favour of the petitioner to approach the jurisdictional High Court to agitate the instant *lis*, if so advised.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 20, 2026/aks.

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