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

+ RFA 399/2024, CM APPL. 35720/2024

ANIL CHAUHAN

.....Appellant

Through: Mr. Rajeev Kumar Rai, Advocate.

versus

HARENDRA PRATAP SINGH

.....Respondent

Through: Mr. Deepak Gaur, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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10.02.2026

1. Appeal under Section 96 and Order XLI read with Section 151 of C.P.C. has been filed on behalf of the Defendant / Appellant against Judgment and Decree dated 26.03.2024, whereby learned District Judge has decreed the Suit of the Respondent / Plaintiff and directed the Defendant / Appellant to pay Rs.17,00,000/- along with *pendente lite* simple rate of interest @ 6% per annum and future rate of simple interest @ 9% per annum till its realization.

2. Plaintiff / Respondent filed Suit for Recovery of an amount of Rs.17,00,000/- along with future and *pendente lite* interest. Brief facts are that Defendant / Appellant claimed himself to be owner of the plot situated at Khata No.35, Khasra No.117 in Village Mamura, District Gautam Budh Nagar, U.P. and offered to sell the same to Plaintiff / Respondent, for which parties executed Agreement to Sell dated 11.06.2018. The sale consideration was fixed as Rs.55,50,000/- and a sum of Rs.17,00,000/- was paid by the Plaintiff / Respondent, in part-payment of Agreement to Sell.



3. According to the Plaintiff / Respondent, on 10.10.2018, he reached the Office of Noida Authority, but despite waiting till 05:00 P.M., Defendant / Appellant failed to complete the formalities of sale. He made several calls to the Defendant / Appellant, but he remained un-connected. On 11.10.2018, Plaintiff / Respondent visited the Office of the Defendant / Appellant and asked for refund of his *bayana* / token money of Rs.17,00,000/-, but Defendant / Appellant refused to return the same.

4. Thereafter, Plaintiff / Respondent filed RTI Application in NOIDA Authority to find out the status of the plot in question and was shocked to know that the said plot did not belong to the Defendant / Appellant, but actually belong to NOIDA Authority. Thus, Plaintiff / Respondent had been seeking refund of his total money, but to no avail. Therefore, he filed the Suit for Recovery of Rs.17,00,000/- along with future and *pendente lite* interest.

5. **Defendant / Appellant filed Written Statement** on 29.01.2021, wherein he denied the contents of the Plaint and claimed that this Court has no territorial jurisdiction to try and entertain the present Suit, since Defendant / Appellant is resident of U.P., property in question is situated in Noida, U.P., Agreement to Sell dated 11.06.2018 was also executed in Noida, U.P. and no part of cause of action arose in Delhi.

6. Issues were framed in the Suit on 02.11.2021, which reads as under:

“(1) Whether this Court has no territorial jurisdiction to try the present suit? OPD.

(2) Whether the present suit is based on false, fabricated and manipulated and forged documents? OPD.

(3) Whether the plaintiff is entitled to decree of recovery for



amount of Rs.17,00,000/- as prayed for? OPP.

(4) Whether plaintiff is entitled to pendente lite and future interest, if so, what amount and for what period? OPP.

(5) Relief.”

7. Parties led their evidence.

8. Learned Trial Court considered the rival evidence and observed that the Trial Court has territorial jurisdiction to try and entertain the present Suit. Consequently, the Suit of Plaintiff / Respondent got decreed in the sum of Rs.17,00,000/- along with *pendente lite* simple rate of interest @ 6% per annum and future rate of simple interest @ 9% per annum till its realization.

9. Appellant / Defendant has challenged the impugned Judgment dated 26.03.2024 on the “*sole ground of territorial jurisdiction*”. It has been reiterated that since no part of cause of action arose in Delhi and nor the Defendant / Appellant is resident of Delhi, Court has no territorial jurisdiction to entertain the Suit.

10. However, learned counsel for the Respondent / Plaintiff submits that this aspect has been considered in the impugned Judgment by the learned Trial Court. Therefore, there is no merit in the Appeal, which is liable to be dismissed.

Submissions heard and record perused.

11. Issue No.1 framed by learned Trial Court was:

Whether the Court has no territorial jurisdiction to try the present suit? OPD.

12. Learned Trial Court has correctly observed that though Agreement to Sell dated 11.06.2018 was executed in Noida, U.P., Defendant / Appellant is also resident of U.P. and Plot in question was also located therein, however,



in the light of legal principle of '*Debtor seeks the Creditor*', the territorial jurisdiction of this Court was established. Relevant paragraphs of the Judgment reads as under:

*“21.4. Secondly, the defendant has taken objection that as neither the defendant is residing within the territorial jurisdiction of this Court nor the cause of action to file the present suit arose in Delhi, so this Court lacks territorial jurisdiction to conduct the trial of the instant suit. In the opinion of this Court, the answer to the said objection raised by the defendant lies in the legal principle of 'Debtor Seeks the Creditor'. This principle entails that where no place of payment is specified in the contract either expressly or impliedly, the Debtor must seek the Creditor as the obligation to pay the debt involves obligation to find the creditor and to pay him at the place where he is, when the money is payable. The principle of common law that Debtor must seek the Creditor has been approved by Hon'ble High Court of Delhi in Satyapal Vs. Slik Auto Accessories Pvt. Ltd. & Ors., AIR 2014 Delhi 115. In the present case, the only relief sought by the plaintiff is recovery of the money advanced by him to the defendant in pursuance of an agreement to sell which did not materialise into **a sale transaction and in the opinion of this Court, the said relief is duly covered by the aforesaid principle of law and the suit seeking such relief is maintainable at the place of residence of plaintiff.***

21.5. It is crystal clear from the foregoing discussion that the objection raised by the defendant to the territorial jurisdiction of this Court is hollow as the present suit is filed seeking recovery of money only, which is perfectly in accordance with the law governing the field of recovery of money by a creditor from its debtor.”

13. The Plaintiff who is held entitled to money, resides in Delhi and money shall be received in Delhi. Part cause of action has arisen in Delhi. Learned Trial Court has rightly held that the Court had territorial jurisdiction



to entertain the present Suit.

14. There is no merit in the present Appeal, which is hereby, dismissed along with pending Applications.

NEENA BANSAL KRISHNA, J.

FEBRUARY 10, 2026/R