
(1990) 06 P&H CK 0006
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 2405 of 1988

Bassi Mubarikpur

APPELLANT

Vs

United India Insurance Co. Ltd.

RESPONDENT

Date of Decision : 04-06-1990

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 16 Rule 7A, Order 7 Rule 11

Citation : (1990) 06 P&H CK 0006

Hon'ble Judges : J.V. Gupta, Acting C.J.

Bench : Single Bench

Judgement

J.V. Gupta, ACJ

1. This revision petition is directed against the order of the trial Court dated August 4, 1988, whereby the question of territorial jurisdiction raised on behalf of the Defendant was dismissed.

2. The Plaintiff filed the suit of recovery of Rs. 49,189/- against the Petitioner-Defendant. An application under Order 7 Rule 11 CPC was filed for rejection of the plaint on the ground that the Courts at Patiala had no territorial jurisdiction to try the present suit. According to the Defendant, the cause of action had arisen at Dera Bassi which falls within the jurisdiction of civil Courts at Rajpura and, thus, only civil Courts at Rajpura had the jurisdiction to try this case. The learned Sub Judge, Patiala, dismissed the said objection on the ground that the civil Courts at Patiala has territorial jurisdiction not for Sub Division Patiala only but for the whole of the Patiala District. According to the trial Court had the cause of action arisen somewhere outside Patiala district, definitely the territorial jurisdiction of the Courts at Patiala would have been barred.

3. Learned Counsel for the Plaintiff-Respondent submitted that he has no objection if the suit is transferred to the Courts at Rajpura, as it was not disputed that the cause of action had arisen at Dera Bassi which fell within the territorial jurisdiction of Rajpura. Consequently, this petition succeeds; the impugned order

is set aside and it is directed that the suit be transferred to the competent Court at Rajpura for further proceedings.

4. In order to expedite the hearing of the case, it is directed that parties will lead their evidence at their own responsibility though dasti summons may be given as contemplated under Order 16 Rule 7-A, Code of Civil Procedure.

5. The parties are directed to appear in the trial Court at Patiala on June 13, 1990.