

28.07.2026

Present: Ms. Nidhi Rani, Ld. Counsel for plaintiff.
Ms. Dinkar Tiwari, Ld. Counsel for defendant no.3
through VC.
Ms. Larika Khandelwal, Ld. Counsel for defendant
no.1 and 2 in person.
Sh. Ujjawal Ranjan, Ld. Counsel for defendant no. 4
Jaypee Infratech Ltd.

1. It is submitted by Ld. Counsel for the plaintiff that she does not wish to file the reply to the application moved by the defendant no. 3 under Section 151 CPC 1908, seeking dismissal of the present suit against the defendant no. 3 and she would argue the same.

2. It is submitted by Ld. Counsel for the defendant no. 1 and 2 that she has received the instructions from the defendants that they have no objection, if the application moved by the plaintiff under Order VIII Rule 9 CPC 1908 is allowed. The application is hereby allowed in view of the averments mentioned there and the no objection given. The plaintiff is at liberty to file the replication to the WS filed by the defendants no. 1 and 2, within 30 days from today, alongwith an advance copy to the other side.

3. Perusal of the record reflects that the plaintiff is seeking the decree of specific performance with respect to a project which was supposed to come up at Jay Pee Greens, Sec-128, Noida, U.P., and the plaintiff has filed the present suit, wherein the territorial jurisdiction of this Court is sought to be made out on the ground that the cause of action arose within the jurisdiction of this Court and the defendants no. 2 and 3 also reside within the jurisdiction of this Court. The said grounds have been raised on the premise, as if, the present suit would

fall under Section 20 of CPC, 1908, which in the *prima facie* opinion of this Court is not correct and since, the plaintiff is seeking specific performance of an ATS relating to an immovable property, the suit would fall under Section 16 of CPC, 1908 and it had to be filed where the immovable property situates. One opportunity is granted to the plaintiff to satisfy this Court as to why the present plaint be not returned back by invoking the powers under Order VII Rule 10 CPC, 1908. Till the time, this Court decides the issue of territorial jurisdiction, the pending applications shall not be heard.

4. Re-list for consideration of the issue of territorial jurisdiction on **19.08.2026**.

(Atul Ahlawat)
DJ-03/South-East District
Saket Courts, New Delhi/28.07.2026