

30.10.2025

Present: Mr. Sachin Bajpai, Ld. Counsel for plaintiff.
Mr. C.P. Pandey, Ld. Counsel for defendant.

Arguments on the application under Order VII Rule 11 of CPC are heard. Record is perused.

The defendant in his application stated that this Court has no territorial jurisdiction as the defendant is not residing within the territorial jurisdiction of this Court when the suit was filed. It is further stated that plaintiff has not verified the pleadings/plaint in terms of Order VI Rule 15 of CPC and has also not filed duplicate plaint, so the suit is liable to be rejected.

The defendant contested the application by filing the detailed reply.

It is settled law that at the time of deciding the application under Order VII Rule 11 of CPC only averments made in the plaint are to be looked into and the defences raised by the defendant in the written statement are not taken into consideration.

One of the ground of the defendant that plaintiff has not filed duplicate plaint alongwith the suit, but record reveals otherwise. The duplicate plaint is already on record.

So far as the verification clause of the plaint is concerned, it is admitted and not disputed that plaintiff has not verified the plaint, but on this very ground, the plaint cannot be rejected as it is a defect which is curable.

It is not in dispute that plaintiff was residing within the territorial jurisdiction of this Court or the address mentioned in the memo of parties. It is pertinent to mention that plaintiff has not mentioned in the application or in the written statement as to when he shifted or left the address mentioned in the memo of parties.

From the aforesaid discussion, it is clear that the question regarding territorial jurisdiction of the Court involved in the present matter need a trial, so no ground for allowing the present application is made out. Thus, the application under Order VII Rule 11 of CPC is hereby dismissed.

Plaintiff is directed to file the affidavit qua verification of the plaint in terms of Order VI Rule 15 of CPC by the next date of hearing with advance copy to the other party.

Ld. Counsel for the plaintiff seeks time to file replication.

Let replication be filed within 30 days after supplying advance copy to the Ld. Counsel for the defendants.

Let affidavits of admission and denial of documents and proposed issues be filed by the next date of hearing after supplying advance copy to the opposite party atleast seven days prior to the next date of hearing.

To come up for admission and denial and for framing of issues on 04.12.2025.

(Ravinder Singh - I)
District Judge-03
East District, KKD Courts,
Delhi, 30.10.2025