

CS No. 57674/16

Anurag Gulati Vs. M/s. Enviroway Bioscience Pvt. Ltd.

28.01.2019

Present: Ld. Counsel for plaintiff.
Ld. Counsel for the defendant.

Arguments heard on the application under Order 7 Rule 11 CPC filed by defendant on record and also gone through the reply.

It is the case of defendant that the present plaint does not disclose the cause of action and the present Court does not have territorial jurisdiction. It is submitted that office of the defendant is in Gurgaon, Haryana and only the Registered Office is in Delhi and they are not operating from Delhi. Hence, it is requested that the plaint may be rejected.

It is submitted by Ld. Counsel for the plaintiff that in their legal notice issued to the plaintiff by the defendant, the defendant has itself mentioned its office as at R. K Puram, New Delhi. Ld. Counsel for defendant has placed reliance on the case titled **Golden Peacock Overseas Ltd. Vs. M/s. Ranjit Industries, 2006 II AS (Delhi) 130.**

Arguments heard from both the sides and gone through the record.

As per the legal notice dated 17.11.2015 sent by defendant themselves to the plaintiff which is filed by plaintiff on record along with his documents and factum of the same is also mentioned in para 2 of the plaint the office of the defendant which is themselves mentioned by defendant in their legal notice is of R K Puram, New Delhi.

It is settled law that while deciding application under Order 7 Rule 11 CPC, Court has to go by the averments in the plaint and the defences

cannot be looked into. Going by the documents of the plaint on record namely legal notice dated 17.11.2015 wherein defendants have themselves mentioned their office as that of R K Puram, New Delhi, the present Court has territorial jurisdiction. In the circumstances, application under Order 7 Rule 11 CPC is hereby dismissed.

Written statement, if any, may be filed within 30 days with advance copy to opposite party within same duration.

Within 30 days of receipt of written statement, replication be filed within same duration.

Original documents of both the parties be filed on record, if not already filed, within six weeks.

Affidavit of admission/denial of documents be filed within one week before the next date of hearing.

Put up for framing of issues on **24.05.2019**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
28.01.2019