

CS no.1222/17

Vinod Kapoor VS BVG India Ltd

06.08.2019

Present: Ld. Counsel for plaintiff.

Ld. Counsel for defendant.

No reply filed by plaintiff to the application u/O 7 rule 10 CPC application. Right to file the same is hereby closed as it was listed for arguments.

It is the case of defendant that no cause of action has taken place within the jurisdiction of Delhi Court. Rather, plaintiff has filed case against them in Dehradun. Further all cause of action has arisen in Dehradun. The present suit is filed only to harass the defendant. It is further submitted that agreement between the parties was also signed in Dehradun.

Heard both the sides and gone through the record.

It is settled law that while deciding the application u/O 7 rule 10 CPC, the averments made in the plaint only have to be looked into. It is specifically mentioned in para 7 of the plaint that on 21.04.2008, a meeting was held in Delhi branch office of the defendant between the plaintiff and Project Coordinator of the defendant. Further, it is mentioned in the plaint that plaintiff made regular visits to the Delhi office of defendant for the payment. It is further mentioned in the plaint that offer was made by plaintiff and same was accepted by the defendant in Delhi office of defendant which is situated at Connaught Place.

In view of the specific averments made in the plaint, the present application is liable to be dismissed and the same is hereby

dismissed.

WS to be filed within 30 days with advance copy to the plaintiff within same duration. Within 30 days from the date of receipt of WS, replication to be filed by plaintiff with copy to the opposite party within same duration.

Both the parties are directed to file original documents on record, if not already filed within two months. Both the parties to appear along with their affidavit of admission/denial on the next date of hearing.

Put up for arguments on issues and framing of issues on **21.01.2020.**

(Twinkle Wadhwa)
ADJ-03/PHC/NEW DELHI.
06.08.2019