

24 CS 312/22

VISHNU KUMAR GOEL VS. RAKESH KUMAR

06.08.2024

Present: Sh. V. K. Goswami, Id. Counsel for plaintiff.
Defendant in person.

Defendant submits that his counsel is unwell and on this ground, he seeks an adjournment.

An application u/o 6 rule 17 CPC is pending for disposal. Reply of the said application has been filed by the defendant.

Perusal of the aforesaid reply shows that defendant has argued that after filing his application u/o 7 rule 11 CPC for rejection of plaint, the plaintiff has moved this application only to remove defects in his plaint on the point of territorial jurisdiction.

Heard.

It is settled law that the territorial jurisdiction is presumed to be in favour of the plaintiff unless the defendant proves it otherwise during the trial. Reliance can be placed on the judgment titled as *CS (Comm) No. 262/2021 titled as 'M/s. Copenhagen Hospitality and Retails and Ors. Vs. M/s. A. R. Impex & Ors.* passed by the Hon'ble High Court of Delhi decided on 29.07.2021.

The suit is at the initial stage and recording of evidence is yet to be recorded. The amendment is not going to change the nature of the suit.

In such circumstances, the present application u/o 6 rule 17 CPC is allowed subject to cost of Rs.2,000/- to be paid by the plaintiff to the other

side. Amended suit already filed. Same is taken on record. Copy already supplied.

Application u/o 6 rule 17 CPC stands disposed off.

WS to the amended suit, if any, be filed by the defendant within 04 weeks with advance copy to the other side.

Replication to the amended WS, if any, be filed within 02 weeks thereafter with advance copy to the other side.

Issues have already been framed in the present case vide order dated 02.05.2023.

Accordingly, put up for PE on 16.10.2024. List of witnesses be filed by parties within 15 days. Evidence by way of affidavit be supplied atleast 10 days in advance to the other side.

(Mohammad Ehtesham)
DJ – 03, Shahdara District,
Karkardooma Courts, Delhi
06.08.2024