

MHCC040056132016



**BOMBAY CITY CIVIL COURT, BORIVALI DIVISION AT
DINDOSHI, GOREGAON, MUMBAI**

**ORDER BELOW EXH.9
IN
S. C. SUIT NO.2051 OF 2016
(CNR No.:MHCC040056132016)**

Shree Rajesh Rajninath Damle

... Plaintiff

V/s.

The State of Maharashtra & Ors.

... Defendants

Appearance :-

Ld. Advocate P. K. Dubey for plaintiff.

Ld. AGP Shanti Kadam for State/Defendant No.2 to 5.

**CORAM : H.H.JUDGE SMT. YASMIN G. DESHMUKH
(C.R.NO.06)**

Date : 12th AUGUST, 2026.

:: ORDER BELOW EXH.9 ::

Defendant No.4 and 5 has taken out present application for to return the plaint on the point of jurisdiction.

2. It is the contention of defendant No.4 and 5 that, plaintiff has filed present suit against defendant No.3 to 5 for injunction. As per cause title of plaint office of defendant No.3 to 5 situated at Kalamboli, Navi Mumbai and as such this Court does have territorial jurisdiction. Subject matter of the suit being the vehicles and that the registration of

the said vehicle is also done with the RTO at Navi Mumbai. Therefore, plaintiff ought to have filed the suit before the proper Court having territorial jurisdiction. Hence this application.

3. Perused affidavit-in-reply filed by the plaintiff. According to plaintiff, application taken out by defendant No.2 is not maintainable in its present form. Defendant No.3 is the Transport Commissioner controlling and supervening the transport activities including of transferring vehicles in their record in the State of Maharashtra. Defendant No.4 and 5 are working under the supervision and control of defendant No.3. Defendant No.3 to 5 in gross abuse of their powers unduly favoured defendant No.1 in processing transfer of suit vehicles (more particularly described in plaint). Office of defendant No.4 despite receiving objection letter of plaintiff issued N.O.C. for transfer of suit vehicles in the name of defendant No.1. Office of defendant No.4 and 5 are subordinate to the office of defendant No.3.

4. Heard both sides. As per defendant No.4 and 5 all the reliefs are mainly against defendant No.4 and 5. They are within the jurisdiction of District Court Thane. So plaint is required to be returned to plaintiff for presentation in proper Court. As per plaintiff when specific provision of Order 7 Rule 10 regarding return of plaint, is incorporated under CPC, Section 151 of CPC cannot be invoked. As per Rule 43 of City Civil Courts Rules chamber summons must be taken out by the defendant. The application in its present form is not maintainable.

5. I have considered the rival submissions and perused the material on record. The objection raised by the plaintiff regarding the

form of the application is required to be considered first. As per plaintiff the application filed by the defendants No. 4 and 5 is not maintainable in this for, instead a notice of motion ought to have been filed. The Bombay City Civil and Sessions Court Rules, 1948 prescribe the procedure and forms in which different applications are to be presented before this Court. However, mere nomenclature of an application cannot, determine the substantive relief sought therein.

6. In the present case, the defendants have specifically sought return of the plaint on the ground of want of territorial jurisdiction and the plaintiff has understood the nature of the relief sought and has filed a detailed reply opposing the same. Thus, no prejudice is shown to have been caused to the plaintiff merely because the application has not been filed as a Notice of Motion or Chamber Summons. The substantive question, therefore, is whether, on the basis of the averments in the plaint and the reliefs sought therein, this Court has territorial jurisdiction to try and entertain the suit.

7. The relief sought by the plaintiff is essentially directed against the acts of defendant Nos.4 and 5 in relation to the transfer of the suit vehicles and the issuance of N.O.C. in favour of defendant No.1. From the averments in the plaint itself, it appears that the relevant records pertaining to the suit vehicles are maintained by the concerned RTO at Vasai/Kalamboli and the alleged acts of processing the transfer and issuance of N.O.C. were undertaken by the concerned authorities having their offices within the said jurisdiction. Thus, the material and substantial part of the cause of action has arisen within the territorial jurisdiction of the Court having jurisdiction over Vasai/Kalamboli.

8. Merely because defendant No.3, i.e. the Transport Commissioner, has its head office at Bandra within the territorial jurisdiction of this Court, the same by itself would not confer jurisdiction upon this Court when no part of the material cause of action is shown to have arisen within its jurisdiction. The plaintiff has not pleaded any specific act or omission on the part of defendant No.3 at its Bandra office which constitutes a part of the cause of action giving rise to the present suit. The mere fact that defendant Nos.4 and 5 are subordinate to defendant No.3 or that the Transport Commissioner exercises supervisory control over them cannot, by itself, confer territorial jurisdiction on this Court.

9. The jurisdiction under Section 20 of the Code of Civil Procedure is to be determined with reference to the place where the defendant resides/carries on business or where the whole or any part of the cause of action arises. In the present case, the substantial and material facts giving rise to the plaintiff's grievance, namely, the processing of transfer of the vehicles, maintenance of the relevant records and issuance of N.O.C., have occurred within the jurisdiction of the concerned RTO at Vasai/Kalamboli. It is also pertinent to note that the plaintiff has not pleaded that any part of the impugned transaction was carried out at the Bandra office of defendant No.3. The averment that defendant Nos.4 and 5 are under the administrative control of defendant No.3 is insufficient to establish territorial jurisdiction. Jurisdiction cannot be conferred merely on the basis of administrative or supervisory relationship between the authorities when the acts complained of were performed elsewhere.

10. In view of the above discussion, I am of the considered view that this Court does not have territorial jurisdiction to try and entertain the present suit. The objection raised by defendant Nos.4 and 5 therefore deserves to be accepted. Consequently, the plaint is liable to be returned to the plaintiff for presentation before the Court having territorial jurisdiction, in accordance with law. Hence the following order is passed.

ORDER

1. Application Exh.9 is hereby allowed.
2. Plaint be returned to plaintiff for presentation in proper Court having territorial jurisdiction.
3. Application Exh.9 is disposed off accordingly.

Date : 12.08.2026

(Yasmin G. Deshmukh)
Judge City Civil Court,
Borivali Division, Dindoshi.

Direct dictated on computer on	:	12.08.2026
Corrected on	:	12.08.2026
Signed on	:	12.08.2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

Date : 12.08.2026

Time : 05.55 p.m.

UPLOAD DATE AND TIME

Mr. B. S. Pandit

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

HHJ Smt. Y. G. Deshmukh
Court Room No.6

Date of Pronouncement of
JUDGMENT/ORDER

12.08.2026

JUDGMENT/ORDER signed by P.O. on

12.08.2026

JUDGMENT/ORDER uploaded on

12.08.2026