



CRP No.4807 of 2023

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T.V.THAMILSELVI, J.

Challenging the impugned order dated 14.09.2023 passed in I.A.No.5 of 2023 in COS.No.548 of 20221 by the trial judge, the plaintiff preferred the present revision.

2. Before the trial court, the defendant preferred an interlocutory application seeking to try the issue relating to territorial jurisdiction as a preliminary issue in the original suit stating that as per the cause of action mentioned by the plaintiff, the contract was awarded by the project implementing agency, Puducherry Government; thereby the contract was executed at Puducherry and the payments were also made at Puducherry and the defendant is a local vendor also tied for the execution of the project who was hailed from Puducherry, thereby the present court has no territorial jurisdiction. Moreover all the issues between the plaintiff and the defendant, arose based on the contract dated 29.02.2016 which was awarded by the Puducherry Government. Therefore, the preliminary issue has to be decided with regard to the jurisdiction of the court.



CRP No.4807 of 2023

WEB COPY

3. The said application was objected to by the plaintiff stating that the

issue raised by the petitioner is a mixed question of law and it requires evidence and all the transactions between the plaintiff and the defendant are within the jurisdiction of Shakthi Nagar, Porur and the invoice is also addressed to Shakthi Nagar, Porur which is in no way connected with the contract awarded by the Government of Puducherry.

4. Considering the submissions, the trial judge held that if the court is having lack of jurisdiction, it need not go to decide other interlocutory applications filed by the plaintiff. Accordingly, the application was allowed and fixed the time to decide the territorial jurisdiction as the preliminary issue. Aggrieved against the same, the present revision petition has been filed.

5. After filing the suit, before the trial court for recovery of money, the plaintiff filed other interlocutory applications praying for security for the claim, garnishee order and other interim reliefs and the same have also been contested by the defendants. In all those applications, the defendants submitted objections and two of the applications were under the argument. At this stage, the defendant filed the application for framing of issue of territorial jurisdiction as a preliminary issue.



CRP No.4807 of 2023

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7. In view of the above, this Court is inclined to admit this petition.

8. Notice to the respondent returnable by 19.01.2024. Private notice is also permitted.

9. The trial court is directed not to proceed with the order passed in



CRP No.4807 of 2023

I.A.No.5 of 2023.

WEB COPY

10. Post the matter on 19.01.2024.

18.12.2023

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WEB COPY



CRP No.4807 of 2023

T.V.THAMILSELVI, J.

nl

CRP No.4807 of 2023



WEB COPY



CRP No.4807 of 2023

18.12.2023