



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 5618/2026

M/s Om Auto Store, Highway Mistri Market, Motor Market, Near
Jat Colony, Rawatsar, District Hanumangarh 335524 through
Proprietor Shailendra S/o Khayaliram

-----Petitioner

Versus

Vijay Automobile, 142, Alkapuri Alwar through Partner Shri Vijay
Kumar Agarwal S/o Shri Chaganlal Agarwal R/o 13, Alkapuri,
Alwar.

-----Respondent

For Petitioner(s)	:	Mr. Manish Kumar
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

06/05/2026

1. The present writ petition has been filed by the petitioner assailing the order dated 19.02.2026 passed by the learned Commercial Court, Alwar in Case No. 238/20/2025 (CIS No. 20/2025) titled as '*Vijay Automobile vs. M/s Om Auto Store*', whereby the application filed by the petitioner under Section 6 of the Commercial Courts Act, 2015, seeking transfer of the present suit to the Competent Court at Ganganagar.

2. Brief facts giving rise to the present petition are that the plaintiff/respondent instituted a suit for recovery of Rs. 12,02,996/- against the petitioner. It was averred in the plaint that the petitioner periodically purchased spare parts from the plaintiff-company on credit, for which the plaintiff maintained a running ledger account. It was further stated that the plaintiff



dispatched the goods as per the petitioner's requirements, which were duly received. Despite repeated demands for the outstanding dues, the petitioner allegedly failed to remit the payment, leading to the filing of the recovery suit.

3. Upon filing the written statement, the petitioner moved an application under Section 6 of the Commercial Courts Act, 2015. The petitioner contended that as the said contract culminated at Bikaner and Ganganagar and the invoice goods were delivered at Rawatsar, Ganganagar, and all transactions occurred outside Alwar, no cause of action arose within the jurisdiction of the Commercial Court at Alwar. Consequently, the petitioner prayed for the transfer of the case to a competent court of jurisdiction.

4. The plaintiff did not file a written reply to the said application but contested the same through oral submissions.

5. After examining the pleadings of the parties, the learned Commercial Court, vide order dated 19.02.2026, dismissed the petitioner's application.

6. Being aggrieved by which, the petitioner has preferred the instant writ petition.

7. Learned counsel for the petitioner submits that the learned court below erred in relying upon the jurisdictional clause in the tax invoices. He submits that such a clause, conferring jurisdiction upon courts at Alwar, is enforceable only if multiple courts otherwise possess concurrent jurisdiction. He further submits that since no part of the cause of action arose within the territorial limits of Alwar, therefore, the present suit may be transferred to the competent court at Ganganagar.



8. Heard and considered the submissions advanced by the learned counsel for the petitioner and perused the material available on record.

9. A perusal of the impugned order reveals that the petitioner has already raised the plea of territorial jurisdiction in his written statement, and an issue has already been framed by the learned Trial Court in this regard. It is further revealed that the plaintiff's evidence has been concluded, and the matter is currently posted for the defendant's evidence. Therefore, the issue of jurisdiction is yet to be adjudicated upon on the basis of the evidence led by the parties.

10. Since the issue of jurisdiction is still pending adjudication, this Court finds that the learned Court below has not committed any illegality in rejecting the application filed under Section 6 of the Commercial Courts Act, 2015.

11. In that view of the matter, this Court is of the considered opinion that the impugned order dated 19.02.2026 does not suffer from any jurisdictional error, illegality, perversity, or legal infirmity so as to warrant any interference by this Court under the powers conferred by Article 227 of the Constitution of India.

12. Accordingly, the present writ petition fails and is hereby dismissed.

13. All pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J