

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>12.06.2024</u>		<p>WPMS No. 1334 of 2024 <b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <p>1. Mr. Vinayak Pant, learned counsel for the petitioner.</p> <p>2. A Suit, bearing Suit No. 227 of 2014 was filed by the plaintiff (petitioner herein) on 24.09.2014 for rendition of accounts. Thereafter, the defendants filed their written statement on 16.02.2015, wherein in para 45, it is stated that the terms and conditions of the purchase order dated 06.04.2012, after various discussions were mutually corrected and modified at the initiation of the plaintiff/petitioner and the PBG was reduced as per his request and in terms of the corrected purchase order, the jurisdiction lies only in Pune. Thereafter, certain issues were framed and the issue No. 9, pertains to the jurisdiction which was decided in favour of the plaintiff/petitioner by order dated 22.11.2016, the reference of which has been given in para 14 of the petition.</p>

3. Thereafter, The defendants preferred a Revision against the order dated 22.11.2016, bearing Civil Revision No. 122 of 2016 and the Revisional Court allowed the Revision on 13.10.2021 and remanded the matter to the trial Court to decide issue No. 9 afresh. After remand, the issue No. 9 was decided against the plaintiff/petitioner by order dated 09.12.2021 against which a Civil Revision was preferred by the plaintiff/petitioner i.e. Civil Revision No. 05 of 2022 and the same was also rejected by order dated 19.07.2023 and being aggrieved with the orders dated 09.12.2021 and 19.07.2023, present writ petition has been preferred by the petitioner.

4. It is submitted by the learned counsel for the petitioner that earlier the issue No. 9 was decided in favour of the plaintiff/petitioner, but without any cogent reasons, the trial Court subsequently, after the remand, decided issue No. 9 against the plaintiff/petitioner. There was a specific objection of the petitioner that the clause with

regard to the jurisdiction was added without the consent of the plaintiff/petitioner but that aspect has not been dealt with.

5. All these aspects are required to be considered after inviting counter affidavit; however, I found substance in the arguments as advanced by the learned counsel for the petitioner, particularly in view of the fact that earlier the issue No. 9 was decided in favour of the plaintiff/petitioner but subsequently, after remand, the same was decided against the plaintiff/petitioner.

6. During the course of argument, the learned counsel for the petitioner is permitted to delete respondent No. 1 from the array of parties and respondent No. 2 be treated as “sole respondent”.

7. Issue notice to the sole respondent-  
M/s Rajdeep Info Techno Pvt. Ltd.

8. Learned counsel for the petitioner shall take steps to serve the respondent within a week by registered post, acknowledgement due, returnable within three weeks.

9. Let the respondent may file counter

affidavit within four weeks. Two weeks' time, thereafter, is granted to the petitioner to file rejoinder affidavit.

10. List this matter on 30.07.2024.

**(Rakesh Thapliyal, J.)**

12.06.2024

Mahinder/