

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7323/2005

(From the judgement and order dated 23/02/2005 in CMWP No. 53530/2004 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

S.V.P. BUILDERS (INDIA) LTD.
Petitioner(s)

Petitioner(s)

VERSUS

M/S. DELHI AUTO & GENERAL FIN.(P)LTD&ANR

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 21/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv.
Mr. L. Nageshwar Rao, Sr. Adv.
Mr. Kavin Gulati, Adv.
Mr. Rashmi Singh, adv.
Ms. Ruby Singh Ahuja, Adv.

For Respondent(s) Mr. D.P. Garg, Adv.

Ms. Reena Jain Malhotra, Adv.
Mrs. Sadhana Sandhu, Adv.
Mrs. Hemantika Wahi, Adv.UPON hearing counsel the Court made the following
O R D E RPetitioner had filed suit in the Court of the Civil Judge
(Jr. Div.),

Ghaziabad. Respondents took up the objection that since the suit land was

situated in District Gautam Budh Nagar, the Civil Judge, (Jr.Div), Ghaziabad

did not have the jurisdiction to entertain the suit.

The trial court granted ex parte injunction to the petitioner against

which the respondents filed an appeal before the District Judge, Ghaziabad. The District Judge, Ghaziabad allowed the appeal and remanded the matter to the trial court with a direction to first decide the question of territorial jurisdiction and then proceed with the question of temporary injunction. The District Judge restrained both the parties from alienating the suit land. Aggrieved against the same, the respondents filed a petition being CMWP No. 53530/2004 in the High Court of Judicature at Allahabad. The High Court by the impugned order, after prima facie coming to the conclusion that the courts in Ghaziabad did not have the jurisdiction, set aside the order of the District Judge and remanded the case to the Civil Judge (Jr. Div.), Ghaziabad directing to first decide the question of territorial and pecuniary jurisdiction and then proceed with the question of grant of temporary injunction.

Counsel for the petitioner states that he has no objection to the transfer of the case from the Court of the Civil Judge, Jr. Div., Ghaziabad to a court of competent jurisdiction in Gautam Budh Nagar or anywhere else.

Issue notice.

Respondents, who are on caveat, accept notice. Counsel appearing on their behalf seek time to get instructions.

To come up on 29th of April, 2005.

(J.S. Rawat)

Court Master

(Kanwal Singh)

Court Master