

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.17078/2001

(From the judgement and order dated 19/06/2001 in CR 202/2001  
of The High Court of Jharkhand, Ranchi )

M/S.JUMBO ENGINEERING P. LTD., JHARKHAND

Petitioner (s)

VERSUS

TATA REFACTORIES LTD.,ORISSA & ORS.

Respondent (s)

( With Appln(s). for permission to submit additional document(s) )  
( With prayer for interim relief and office report )  
( For Final Disposal )

Date : 29/11/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. S.B. Sanyal, Sr. Adv.  
Mr. Ranjan Mukherjee, Adv.  
Mrs. Manita Verma, Adv.  
Mr. Devashish Bharuka, Adv.

For Respondent (s) Mr. V.A.Bobde, Sr. Adv.  
Mr. Ejaz Maqbool, Adv.  
Mr. Ujjwal Kr. Jha, Adv.  
Mr. Aslam Ahmed, Adv.  
Mr. Ranjan Kumar Jha, Adv.  
Mr. Gourav Kejriwal, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Heard learned counsel for the parties for about  
fifteen minutes.

Leave granted.

The appeal stands disposed of in terms of the  
signed order. No order as to costs.

.SP1

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order is placed on the file]

.PL56

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2002@@  
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(ARISING OUT OF SLP (CIVIL) NO.17078 OF 2001)

M/S.JUMBO ENGINEERING P. LTD., APPELLANT  
JHARKHAND

VERSUS

TATA REFACTORIES LTD.,ORISSA & ORS. RESPONDENTS

O R D E R@@  
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.SP2

Leave granted.

Heard learned counsel for the parties.

The short question for consideration is whether the Court of Subordinate Judge-1 at Seraikella has jurisdiction to try M.S. Suit No.8 of 1999. This issue was tried by the trial court as a preliminary issue. The trial court held that it had jurisdiction on the following basis:

.....L.....I.....T.....T.....T.....T...J.

.SP1

"It is admitted position that the defendant advertised for supply of materials to his company and the plaintiff accepted that offer and sent the letter of acceptance of the offer from Adityapur which is within the territorial jurisdiction of this court and the materials have been supplied by the plaintiff to defendant's factory from Adityapur where the plaintiff's factory

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situates and Adityapur is within the territorial jurisdiction of this court, so it is crystal clear that at least the part of cause of action arose at Adityapur within the territorial jurisdiction of this court."

.....L.....I.....T.....T.....T.....T.....T.....T.....J.

.SP2

At this stage it must be mentioned that before the trial court a copy of a letter dated 8th May, 1992, purported to have been addressed by the respondent to the Branch Manager, Central Bank of India, Adityapur (with a copy to the appellants) was produced. In this letter one M/s. Unique Transport Agency is shown to be authorised agents of the respondents. This letter shows that this Transport Agency was to lift the material from Adityapur. Undoubtedly, the trial court took note of this letter.

In revision, the High Court has set aside the order of the trial court and held that the court had no jurisdiction. In coming to this conclusion the High Court has not at all dealt with the question as to whether the material was supplied from the appellant's factory at Adityapur as per the letter dated 8th May, 1992.

The respondents are not admitting the letter dated 8th May, 1999. In view of this dispute, the ..3/-

-3-

question whether the Court has jurisdiction or not could not have been decided at the preliminary stage. It is a question which would have to be decided along with the other issues after evidence is led and arguments are heard on behalf of the parties.

We, therefore, set aside the order of the High Court and remit the matter back to the Court of Subordinate Judge-1 at Seraikella. Considering that it is a Suit of 1999, the trial court is requested to dispose of the Suit as expeditiously as possible. The Subordinate Judge will dispose of the Suit on its merits uninfluenced by any observations made by the High Court or this Court.

The appeal stands disposed of accordingly. No order as to costs.

.SP1

.....J.  
(S.N. Variava)

.....J.  
(B.N. Agrawal)

New Delhi,  
November 29, 2002.