



2025:DHC:4456



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.05.2025

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C.R.P. 87/2023, CM APPL. 16461/2023**MS SUJATA CHANDRA**

.....Petitioner

Through: Mr. Sameer Kumar, Mr. Vaibhav
Pachauri, Advs.

versus

RAM PRAKASH & ORS.

.....Respondents

Through: Mr. Desh Raj, Adv. for R-1
Mr. Vineet Hans, Adv. for R-2 & 3**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had on the last date of hearing passed a detailed order and recorded the following:

“1. The present Petition has been filed under Section 115 of Code of Civil Procedure, 1908 ('CPC') seeking to challenge an order dated 12.01.2023 passed by Ld. Civil Judge, Tis Hazari Courts, Delhi [hereinafter referred to as 'Impugned Order']. By the Impugned Order, an Application under Order VII Rule 11 of CPC filed by the Petitioner (Defendant before the learned Trial Court) has been dismissed.

2. Learned Counsel for the Petitioner submits that the Impugned Order suffers from an infirmity. Learned Counsel submits that the cause of action in the plaint filed by the Respondents (Plaintiffs before the learned Trial Court), arose at Babarpur Branch of Punjab & Sindh Bank and that the Court at Karkardooma Courts, Delhi would have the territorial jurisdiction to entertain the present Petition.

2.1 Learned Counsel for the Petitioner seeks to rely upon a judgment passed by the Supreme Court in the case of *Patel Roadways Ltd. v. Prasad Trading Co.*; (1991) 4 SCC 270 and on a judgment passed by a Coordinate Bench of this Court in the case of *Deepak Kumar @ Deepak Saha vs Hindustan Media Ventrues Ltd. & Ors.*; (2017) SCC OnLine Del 8970, to submit that where the company/corporation has its principal office at one place and subordinate office at another place and cause of action arises at the place where the subordinate office is located, then the suit has to be filed only in the court within whose jurisdiction the company/corporation has its subordinate office and not in court within whose jurisdiction the company/corporate has its principal office.



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2.2 Learned Counsel for the Petitioner submits that the only explanation given by the Respondents/Plaintiffs in the plaint in this regard is that the Head Office of the Respondent/Bank is at Rajendra Place, Delhi, thus, the District Courts at Tis Hazari would have the territorial jurisdiction in the matter....”

2. Learned Counsel for the Respondent No.1 relying upon a judgment passed by the Supreme Court in the case of *Patel Roadways Limited, Bombay v. Prasad Trading Company*¹ fairly submits that the learned Trial Court does not have the territorial jurisdiction to entertain the suit.

2.1 Learned Counsel for the Respondent No.1 submits that he will be moving an appropriate Application before the learned Trial Court in this behalf.

3. Learned Counsel for the Petitioner submits that in view of the statement made by the learned Counsel for the Respondent No.1, nothing further survives in the present Petition and that the present Petition may be disposed of in view of the statement made by Respondent No.1.

4. The present Petition is accordingly disposed of in view of the foregoing. The pending Application also stands closed.

5. However, liberty is granted to the Petitioner to approach the Court in the event the Respondents do not follow through.

6. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 23, 2025/jn

[Click here to check corrigendum, if any](#)

¹ (1991) 4 SCC 270