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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 09th July, 2025*
+ **CM(M) 3485/2024 & CM APPL. 39600/2025 & CM APPL. 39932/2025**

SHRI RAJBIR JAIN PROP OF M/S SHIKHA ENTERPRISES

.....Petitioner

Through: Mr. Bipin Kumar and Mr. Suresh
Chandra Sharma, Advocates.

versus

**PARAGON PAPER INDUSTRIES LLP. THROUGH ITS PARTNER
SHRI AJAY JAIN**

.....Respondent

Through: Mr. Saurabh Mishra with Ms.
Priyanka Tiwary, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant before the learned Trial Court.
2. The suit in question is commercial in nature.
3. The defendant moved an application under Order VII Rule 10 seeking rejection of the plaint for want of territorial jurisdiction.
4. Such application has been dismissed by learned Trial Court and the defendant has taken exception to such order dated 07.03.2024.
5. Needless to say that the aspect of competency of the Court was decided by the learned Trial Court, while keeping in mind the averments made in the plaint only.
6. The next date in the present petition is 03.09.2025.
7. However, in the interregnum, the plaintiff (respondent herein) has moved an application seeking early hearing.
8. It is informed that the trial is already complete and the case is now at the stage of final arguments.
9. During course of the arguments, learned counsel for respondent



divulges that learned Trial Court has, *inter alia*, framed following issue which reads as under:

“2. *Whether the Court at UNA, H.P. only has jurisdiction to adjudicate upon the present suit? (OPD)*”

10. The question posed to this Court in the present petition is also virtually the same.

11. Since the suit is now fixed for hearing final arguments, in view of the abovesaid peculiar position, there would not be any real purpose in invoking extraordinary supervisory jurisdiction under Article 227 of Constitution of India.

12. Evidently, the aspect of jurisdiction was, earlier, decided by the learned Trial Court while confining itself to the basic averments made in the plaint and, now, since the trial is complete, the jurisdictional aspect can always be considered afresh by the learned Trial Court in terms of the pleadings as well in terms of evidence led by the parties.

13. In view of the above, the present petition is disposed of with request to learned Trial Court to decide the suit. Needless to say, the aforesaid issue be also decided while keeping in mind the pleadings and the evidence led by the parties and without getting influenced, in any manner whatsoever, by its own order which is impugned before this Court.

14. The petition stands disposed of in aforesaid terms.

15. All pending applications also stand disposed of in aforesaid terms.

16. The next date of 03.09.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

JULY 9, 2025/sw/PB