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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 12.11.2025***

+ **FAO 204/2019**

M/S UNIFIRE SYSTEMS

.....Appellant

Through: **Ms. Arya Krishnan, Advocate.**

versus

M/S INNOVATIVE TEXTILES PVT LTD & ORSRespondents

Through: **Mr. Mohd. Wasiq Khan, Advocate.**

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT (ORAL)

CHANDRASEKHARAN SUDHA, J.

1. The present appeal has been filed under Order XLIII Rule 1 read with Section 151 of the Civil Procedure Code, 1908 (the CPC) seeking to set aside the impugned judgment and order dated 25.03.2019 in Civil Suit No. 6489/2016 passed by the learned Additional District Judge-04 (South), Saket Courts, New Delhi, whereby the trial court ordered the plaint to be returned to the appellant/plaintiff as it lacked territorial jurisdiction, but at the



same time decreed the suit partly.

2. The brief facts leading to the impugned judgment are that the appellant/plaintiff is a Company dealing in the supply of fire safety equipment and their installations. The respondent/defendant is also a private limited company duly incorporated under the Companies Act 1956.

2.1. The respondent/defendant contracted with the plaintiff for supply and installation of fire hydrant systems and placed two orders dated 06.10.2008 with the appellant/plaintiff for supply and installation of fire hydrant systems for a sum of ₹37,49,281/-. Thereafter, the appellant/plaintiff raised several bills amounting to ₹34,92,282/- against which the respondent/defendant made part payment of ₹21,00,000/-. An amount of ₹13,92,282/- was left outstanding. After deducting the value of materials worth ₹2,23,611/-, which were returned to the appellant/plaintiff, a total sum of ₹11,68,671/- remained unpaid. Accordingly, the appellant/plaintiff instituted Civil Suit No. 6489/2016 before the



trial court seeking recovery of the pending sum of ₹11,68,671/- from the respondent/defendant.

2.2. The respondent/defendant filed written statement contending *inter alia* that the court lacked territorial jurisdiction. On completion of pleadings, issues were framed. Thereafter, oral and documentary evidence was let in by both sides. On a consideration of the evidence and after hearing both sides, the trial court answered issue no.1 regarding lack of territorial jurisdiction against the appellant/plaintiff. However, the trial court also proceeded to consider the matter on merits and went on to partly decree the suit. At the same time, it ordered return of the plaint under Order 7 Rule 11 CPC.

3. It was submitted by the learned counsel for the appellant/plaintiff that the transactions took place in the office of the respondent/defendant at 1004, New Delhi House, 27, Barakhamba Road, New Delhi, which comes under the jurisdiction of Patiala House Court. But, at the time of filing of the suit, the



Ministry of Corporate Affairs (the MCA) website showed the registered office address of the respondent/defendant as 626, DLF, Tower-B, Jasola, New Delhi, which falls within the jurisdiction of the Saket Court. However, when the respondent/defendant filed leave to defend under Order 37 Rule 3(5) of CPC, their office address was shown as 81, Vigyan Vihar, Delhi-110092, which comes under the jurisdiction of the Karkardooma Court, East Delhi. The appellant/plaintiff relies on Section 20(b) of the CPC to contend that at the time of the commencement of the suit, the registered office of the respondent/defendant Company was at Jasola as was shown in the website of the MCA and therefore the trial court did have the territorial jurisdiction to try the case.

3.1. It was further submitted by the learned counsel for the appellant/plaintiff that once the trial court found that it did not have territorial jurisdiction, it ought not to have proceeded to adjudicate the matter on its merits.

4. On the other hand, the learned counsel for the



respondent/defendant submits that at the time of the filing of the suit on 27.01.2012, the office of the respondent/defendant was at Jasola and that on 25.10.2011 the office had been shifted w.e.f. 25.10.2011 to Vigyan Vihar.

4.1 Furthermore, the learned counsel for the respondent/defendant has fairly conceded that once the trial court had held that it lacked territorial jurisdiction, the trial court could not have proceeded to adjudicate the matter on merits.

5. Heard both sides.

6. Admittedly when the suit was instituted on 27.01.2012, the office of the respondent/defendant was at Vigyan Vihar. Therefore, the finding of the trial court that it lacked territorial jurisdiction is correct. However, the trial court erred in proceeding to adjudicate the matter on merits and partly decreeing the suit in favor of the appellant/plaintiff despite having held that it lacked territorial jurisdiction. Accordingly, the findings of the trial court on the merits of the case are hereby set aside.



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7. In the result, the appeal is allowed. The impugned judgment is partly set aside, that is, the findings regarding the merits of the case. The plaint to be presented before the court with jurisdiction. The said court shall then dispose it off in accordance with law.

8. Pending application(s), if any, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

NOVEMBER 12, 2025

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