

Jiwan Kumar Goel Vs. M/S. Civitech Developers Pvt. Ltd.

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Court : Delhi

Decided On : Jul-01-2014

Judge : Valmiki J. Mehta

Appellant : Jiwan Kumar Goel

Respondent : M/S. Civitech Developers Pvt. Ltd.

Advocate for Pet/Ap. : Mr. Abhishek Kumar

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + FAO No.165/2014 1st July , 2014 % JIWAN KUMAR GOEL Through:Appellant Mr. Abhishek Kumar, Advocate. VERSUS M/S. CIVITECH DEVELOPERS PVT. LTD. Through: Respondent CORAM: HONBLE MR. JUSTICE VALMIKI J.MEHTA To be referred to the Reporter or not?. VALMIKI J.

MEHTA, J (ORAL) C.M. No.10205/2014 (exemption) 1. Exemption allowed subject to just exceptions. C.M. stands disposed of. + FAO No.165/2014 2. Supreme Court twenty two years back in the judgment in the case of M/s. Patel Roadways Limited, Bombay Vs. M/s. Prasad Trading Company AIR 1992 SC1514clarified with respect to Section 20 of Code of Civil Procedure, 1908 (CPC) read with its Explanation that when a suit is filed against a company, the suit cannot be filed at the place where the registered office of the company is situated unless the cause of action accrues at the registered office.

3. In the present case, the appellant/plaintiff/employee was employed at Noida in U.P. The appellant/employee worked as an employee at Noida in U.P. The appellant/employee was paid at Noida in U.P. Therefore, entire cause of action accrues at Noida in U.P. and not at Delhi where the suit was filed.

4. Learned counsel for the appellant argues that there was no written statement on record however it is noted that there is an application which is filed by the respondent/defendant under Order 7 Rule 11 CPC and which is replied to by the appellant/plaintiff. A conjoint reading of the pleadings in this application read with Order 12 Rule 6 CPC and the judgment of the Supreme Court in the case of Uttam Singh Dugal & Co. Ltd. Vs. United Bank of India and Ors. (2000) 7 SCC120 leads us to the conclusion that even the admissions in the pleadings in the interim application can be considered for the purpose of Order 12 Rule 6 CPC.

5. I did put to the counsel for the appellant that there is no reason why appellant should be time and again burdened with expenditure whether towards Court fee or lawyers fee when the law has been made clear by the Supreme Court way back in the year 1992, however, counsel for the appellant does not seem to appreciate the legal position.

6. In view of the above, there is no merit in the appeal, and the same is therefore dismissed, leaving the parties to bear their own costs. JULY01 2014 Ne FAO No.165/2014

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