

SUPREME COURT OF INDIA

AVN Tubes Ltd.

Vs.

Shishir Mehta

C.A.No.1430 of 2008

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

20.02.2008

JUDGMENT

Tarun Chatterjee, J.

1. Leave granted.

2. This appeal is directed against an order dt.02.05.2005 passed by the High Court of Madhya Pradesh, Jabalpur Bench at Gwalior in Civil Revision No.226/2003 by which the High Court has held that the court at Go had has no territorial jurisdiction to try the suit. This objection was raised by the defendant before the trial court which was rejected by it. Being aggrieved by the order of the trial court, the respondent herein moved the High Court by way of Civil Revision which was allowed by the High Court. That order is under challenge before us.

3. Without going into the merit as to whether the court in which the suit has been instituted has territorial jurisdiction to decide the suit or not, we feel that the ends of justice would be served if the issue regarding territorial jurisdiction is taken up and decided by the trial court along with other issues without being influenced by the observations made either by the trial court or by the High Court in the Revision Petition. Consequently, the trial court in which the suit has been instituted shall proceed to decide the suit on all issues. In the event, the trial court comes to the conclusion that the court in which the suit has been instituted does not have the territorial jurisdiction to decide the same; the suit can be dismissed on that ground. Otherwise, the trial court shall decide the suit on merits. With this direction, the appeal is disposed of. There shall be no order as to costs.