

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 6454 OF 2017
(Arising out of SLP(C) No. 34549 of 2015)

IATA AGENTS ASSOCIATION OF INDIA (REGD.) ... Appellant(s)

Versus

INTERNATIONAL AIR TRANSPORT ASSOCIATION (REGD.) ... Respondent(s)

O R D E R

Leave granted.

The appellant has appealed against a judgment passed in revision by the High Court of Punjab and Haryana dated 29.09.2015 by which the High Court has upset the Trial Court's Order dated 03.03.2015 and rejected the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908. The Trial Court had held on a consideration of the facts that the matter requires evidence on both sides to determine as to which Court would have the necessary territorial jurisdiction, the Court in Gurgaon or the Court in Mumbai.

We are of the view, having heard learned counsel for the parties, that the Trial Court's judgment is correct and did not require interference, especially under the limited revisional jurisdiction of the High

Court. In our view, the fact as to whether there is or is not an office in Mumbai and whether it has shifted to Singapore together with the fact as to whether the Gurgaon office is that of a Canadian Corporation or an Indian subsidiary are all matters which require evidence. In that view of the matter, we set-aside the judgment of the High Court and restore that of the Trial Court.

The appeal is accordingly, disposed of.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(SANJAY KISHAN KAUL)

New Delhi,
Dated: 9th May, 2017.

