

ITEM NO.6 Court 14 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 953/2021

NAIVEDYA ASSOCIATES

Petitioner(s)

VERSUS

M/S KRITI NUTRIENTS LTD.

Respondent(s)

Date : 02-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Shishir Kumar Saxena, Adv.
Mr. Sunil Kumar Jain, Adv.
Mr. R. N. Pareek, Adv.
Mr. Brijendra Singh, Adv.
Ms. Payal Swarup, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. Praveen Swarup, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner is a defendant in a suit instituted in the Court of District Judge, Shahdara, Karkardooma Court, New Delhi alleging infringement of trade mark as also copyright infringement. Learned counsel for the petitioner in course of hearing has argued that both the parties hail from the State of Madhya Pradesh and no cause of action has arisen within the jurisdiction of the District Court of Shahdara. This is the only point urged before me at the time of hearing.

In these circumstances, I do not think there is much scope of going into the question of as to whether the Court in which the suit is instituted has territorial jurisdiction to try and determine the suit or not in a petition for transfer of a suit invoking Section 25 of the Code of Civil Procedure. This point is required to be urged before the Court in which the suit is pending. I accordingly decline the plea of the petitioner for transfer of the said suit.

But if the defendant is aggrieved on the point of lack of jurisdiction of the Court in which the suit has been instituted, it shall be open to the petitioner (the defendant in the said suit) to raise grievance on this count before the said Court.

With the above observations, the transfer petition is disposed of.

Pending application(s), if any, shall also stand disposed of.

(JAGDISH KUMAR)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER