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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-1326-2025

Date of decision: 04.03.2025

Shree Riddhi Health Foods Private Limited

...Petitioner

Versus

ADM Agro Industries Kota & Akola Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Chopra, Sr. Advocate with
Ms. Darika Sikka, Advocate and
Mr. Drupad Sangwan, Advocate and
Mr. Madhur Panwar, Advocate for the petitioner.

Mr. Anand Chhibber, Sr. Advocate with
Mr. Abhilaksh Gaind, Advocate and
Ms. Durga Priya, Advocate and
Mr. Rakesh Roy, Advocate and
Mr. Suneel Kumar, Advocate for the caveator-respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 28.01.2025 (Annexure P-20) passed by the Additional District Judge-cum-Presiding Judge, Exclusive Commercial Court at Gurugram, dismissing the application filed by the petitioner under Order 7 Rule 10 CPC.

2. Learned Senior Counsel for the petitioner has pointed out that although in the impugned order dated 28.01.2025, it had been stated that the question of jurisdiction in this case is a mixed question of law and fact



which could be decided only after the parties led their respective evidence after framing of the issues on this point and the same could not be decided at that stage but there are certain observations which have been made in other part of the order which should not influence the decision of the trial Court while independently considering the issue with respect to jurisdiction. It is submitted that the petitioner has filed the written statement and has taken up all the pleas raised in the application under Order 7 Rule 10 CPC and also as are available to the petitioner and thus, the petitioner be permitted to withdraw the present revision petition with liberty to take up all the pleas during the course of trial and the trial Court be requested to decide the same in accordance with law, independent of the observations made in the impugned order.

3. Learned Senior counsel for the caveator-respondent has submitted that even the respondent-plaintiff be granted liberty to pursue all the pleas with respect to the objections/pleas taken by the petitioner in the written statement and that all the issues which arise between the parties be decided after considering the pleas and the evidence led by the plaintiff also.

4. Keeping in view the above said facts and circumstances and the fair stand taken by learned Senior Counsel for the petitioner as well as learned Senior Counsel for the respondent, the petitioner is permitted to withdraw the present revision petition and the impugned order dated 28.01.2025 is upheld with the following observations/clarifications/directions:-

i) It would be open to the petitioner to take up all the points which have



been raised in the written statement and as are available to the petitioner, including the point with respect to jurisdiction, during the course of trial.

- ii) It would also be open to the respondent-plaintiff to raise all the pleas in support of their stand including with respect to the stand on the issue of jurisdiction.
- iii) The trial Court would decide all the issues, including the issue of jurisdiction, at the stage of final adjudication of the case after taking into consideration the pleas/evidence/documents produced by both the parties concerned and the same would be decided independent of the observations which have been made in the impugned order.

04.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No