

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Com. Appeal No. 05 of 2018

Manyata Dealcom Pvt. Ltd. --- --- Appellant
Versus
Dinkar Mishra & Ors. --- --- Respondents

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh
The Hon'ble Mrs. Justice Anubha Rawat Choudhary

Through : Video Conferencing

For the Appellant : Mr. Indrajit Sinha, Adv.
For the Respondent no.2 : Mr. Awanish Shekhar, Adv.

06/29.06.2020 Learned counsel Mr. Indrajit Sinha appears for the appellant while respondent no.2 is represented by Mr. Awanish Shekhar. Rest of the respondents have not yet entered appearance despite valid service of notice and the matter having been adjourned on the previous date.

The appeal questions return of the plaint under Order-VII, Rule 10(A) of the C.P.C. asking the plaintiff to approach the competent Court. Reliance is placed on the decision of the Apex Court in the case of **Ambalal Sarabhai Enterprises Ltd. Vs. K.S. Infraspace LLP & Anr.** rendered in Civil Appeal No.7843/2019 dated 4th October, 2019 by learned counsel for the appellant. He submits that moreover, the objection was filed by the defendant nos. 1 and 3 only who have not appeared despite service of notice in this appeal.

Learned counsel for the appellant submits that the subject matter of the instant Suit is covered under the category enumerated under Section 2(1)(c)(vii) of the Commercial Court Act, 2015. The dispute does not only relate to immovable property but one which is exclusively being used in trade or commerce. Averments of the plaint have also been referred to in support of the submission on facts (paragraphs-11 and 16). As such, according to the appellant, the impugned judgment needs to be set aside and the matter could be decided by the Commercial Court itself.

Learned counsel for the respondent no.2 Mr. Awanish Shekhar seeks time to come fully prepared on the legal issues. The plaint and the objections are already on record.

Accordingly, as prayed for by him, matter be listed on 1st July 2020.

(Aparesh Kumar Singh, J.)