

PETITIONER:
ALIGARH MUSLIM UNIVIERSTY ENTERPRISES (P)

Vs.

RESPONDENT:
VINAY ENGINEERING ENTREPRISES (P)

DATE OF JUDGMENT 27/09/1993

BENCH:
AHMADI, A.M. (J)
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AHMADI, A.M. (J)
PUNCHHI, M.M.
VENKATACHALA N. (J)

CITATION:
1994 SCC (4) 710

ACT:

HEADNOTE:

JUDGMENT:
ORDER

1. Special leave granted.
2. We are surprised, not a little, that the High Court of Calcutta should have exercised jurisdiction in a case where it had absolutely no jurisdiction. The contracts in question were executed at Aligarh, the construction work was to be carried out at Aligarh,, even the contracts provided that in the event of dispute the Aligarh Court alone will have jurisdiction. The arbitrator was from Aligarh and was to function there. Merely because the respondent was a Calcutta-based firm, the High Court of Calcutta seems to have exercised jurisdiction where it had none by adopting a queer line of reasoning. We are constrained to say that this is a case of abuse of Jurisdiction and we feel that the respondent deliberately moved the Calcutta High Court ignoring the fact that no part of the cause of action had arisen within the jurisdiction of that Court. It clearly shows that the litigation filed in the Calcutta High Court was thoroughly unsustainable.
3. In the result we allow these appeals, set aside the impugned orders of the High Court and direct that the proceedings initiated in the High Court of Calcutta shall be returned to the respondent for presentation in proper court. The hearing cost is quantified at Rs 10,000 which Respondent 1 Vinay Engineering will pay, in any case before the application is presented to the Aligarh Court.

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