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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 616/2013**

**THE INDIAN PERFORMING RIGHT SOCIETY LTD ..... Plaintiff**

**Through: Ms. Tanvi Misra, Advocate.**

versus

**M/S CHANCERY PAVILION ..... Defendant**

**Through: Mr. B.S. Satyanand, Advocate with  
Mr. Abhijeet Sinha, Advocate.**

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

**% 01.10.2015**

**I.A. No.20692/2015 (under Order 7 Rule 10 CPC)**

1. Supreme Court in the judgment in the case of *Indian Performing Rights Society Ltd. Vs. Sanjay Dalia and Ors. 2015 (7) SCALE 574* has held that plaintiff which is a company or a society cannot file a suit at a place if the defendant does not reside or carry on the business where the suit is filed and is in fact carrying on the business at the place where plaintiff is also carrying on the business. Putting it in another words plaintiff is bound to file a suit at a place where the defendant carries on business if the plaintiff has an office or any other office at the place where the defendant is carrying on business.

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2. In the present case, the plaintiff has an office at Bangalore and therefore since the defendant is also situated at Bangalore, the application is allowed and the plaint is allowed to be returned to the plaintiff for being filed in the competent Court at Bangalore. Plaintiff will appear before the concerned officer of the original side branch on 19<sup>th</sup> October, 2015 and the Registry of this Court in compliance of Order 7 Rule 10 of Code of Civil Procedure, 1908 (CPC) will return the plaint to the plaintiff for being filed in the competent Court at Bangalore.

I.A. is allowed and disposed of.

**I.A. No.20693/2015 (under Section 152 CPC)**

3. In view of the orders passed today in I.A. No.20692/2015, no orders are required to be passed in this application and which is accordingly disposed of.

**VALMIKI J. MEHTA, J**

**OCTOBER 01, 2015**  
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