



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

(135)

CR No. 1997 of 2025(O&M)

Date of Decision: 01.04.2025

M/s Cheema Spintex Limited and another**...Petitioners****Versus****Fibril Tex Private Limited and others****...Respondents****CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Ms. Ramneek Kaur Mann, Advocate
for Mr. Harsh Garg, Advocate
for the petitioners.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is preferred under Article 227 of the Constitution of India seeking the issuance of directions to the court of learned Civil Judge (Jr. Division), Dera Bassi for expediting the proceedings in the application preferred by the petitioners under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short 'CPC') in Civil Suit No. 861 of 2024, titled Fibril Tex Private Limited Vs. M/s Cheema Spintex Ltd., and others filed by petitioners/defendants no.1 and 8 for rejection of plaint. The petitioners also seek issuance of directions to the said Court to dispose of the application for rejection of plaint in a time bound manner.

2. A suit for permanent injunction (Annexure P-2) was filed by respondent No. 1/plaintiff. The said suit was registered on 04.09.2024. An application under Order 7 Rule 11 CPC (Annexure P-6) for rejection of the plaint was moved by the Resolution Professional, since the petitioners are undergoing the Corporate Insolvency Resolution Process (CIRP). The said application was filed on 01.10.2024. Thereafter, another application under

Order 7 Rule 11 CPC was filed by defendant no.7. The matter is now pending for hearing on the said applications and is listed on 01.04.2025.

3. I have heard learned counsel for the petitioners.

4. Learned counsel for the petitioners submit that arguments in the application for rejection of plaint were addressed in December 2024, but despite that the matter is being adjourned for further arguments in the said application. Learned counsel submits that in case the application is not decided in a time bound manner, the petitioners shall have to seek another extension from the National Company Law Tribunal (for short 'NCLT'). Reference has been made to the order dated 17.05.2024 (Annexure P-1). Learned counsel submits that the jurisdiction of the Civil Court is barred in view of the judgment passed by the Supreme Court of India in the case of ***P. Mohanraj and others Vs. Shah Brothers Ispat Private Limited, AIR 2021 Supreme Court 1308*** and the provisions of Section 14 of the Insolvency and Bankruptcy Code, 2016. She submits that on account of non-decision of the application, an irreparable loss has been caused to the petitioners.

5. I have considered the submissions made by learned counsel for the petitioners.

6. The application for rejection of the plaint was filed on 01.10.2024. Reply thereto was filed on 22.11.2024. Thereafter, the matter has been adjourned for conclusion of arguments on the said application, arguments in part have been advanced on 07.01.2025. Though I do not see any inordinate delay on the part of learned trial Court in disposing of the application, keeping in view the fact that the petitioner is undergoing the CIRP, it would be in the interest of justice that the application for rejection for plaint is decided expeditiously.

In view of the above, the present revision petition is disposed of with a direction to the concerned trial Court to make earnest efforts to hear and decide the application for rejection of plaint preferred by the petitioners under Order 7 Rule 11 CPC in Civil Suit No. 861 of 2024, titled 'Fibril Tex Private Limited Vs. M/s Cheema Spintex Ltd., and others', expeditiously.

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

(VIKRAM AGGARWAL)
JUDGE

April 1st, 2025
Rekha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No