



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

116

CR No.4089 of 2022 (O&amp;M)

Date of Decision :22.07.2025

**IFCI Ltd. and others****.....Petitioners****Versus****Harjinder Singh and others****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Manish Jain, Advocate for the petitioners.

Mr. Alok Mittal, Advocate for respondent No.1.

**VIKRAM AGGARWAL, J. (Oral):**

The instant revision petition has been preferred under Article 227 of the Constitution of India against order dated 03.08.2022 (Annexure P-1), passed by the Court of Civil Judge (Jr. Divn.), SAS Nagar, vide which the application filed by the petitioner/defendant under Order 7 Rule 11 of the Code of Civil procedure 1908 (for short 'CPC') for rejection of plaint was dismissed.

2. The facts, as borne out from the revision petition are that the respondent-plaintiff (Harjinder Singh) instituted a suit for recovery and damages against the petitioner-defendant on account of harassment, mental agony, etc. due to illegal, unauthorized, unprofessional, unethical acts committed by the defendant while misusing their official powers. From the pleadings, it appears that some loan had been obtained by the respondent-plaintiff from the petitioner-defendant which could not be repaid and litigation ensued. The grievance of the respondent-plaintiff in the suit was that the possession of the house of the respondent-plaintiff had illegally been taken by



the petitioner-defendant which was delivered back to him. This, however, caused lots of damage to the respondent-plaintiff as the condition of the house and the goods lying in the house had deteriorated. It is also alleged that valuable articles were missing which, as per the respondent-plaintiff, had been removed by the petitioner-defendant. Under the circumstances, the suit was filed.

3. During the pendency of the suit, an application under Order 7 Rule 11 CPC (Annexure P-6) was filed seeking rejection of plaint on various grounds including the ground that in view of the provisions of Section 33 of the Recovery of Debts and Bankruptcy Act, 1993 (hereinafter referred to as 'the RDB Act'), the Court had no jurisdiction to hear and decide the suit.

4. The application for rejection of plaint was opposed by way of reply (Annexure P-7).

5. By way of impugned order (ibid), the said application was rejected, leading to the filing of the instant revision petition.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner submits that the trial Court erred in dismissing the application for rejection of plaint. Apart from other arguments, he submits that the ground of the suit being barred on account of the provisions of Section 33 of RDB Act was not even discussed by the trial Court and no finding was returned on the same. He submits that under the circumstances, the order is not sustainable.

8. Per contra, learned counsel for respondent No.1 submits that there is no illegality in the impugned order and that the same was passed in accordance with law.



9. I have considered the submissions made by leaned counsel for the parties.

10. In the application for rejection of plaint (Annexure P-6), various grounds were taken. One of the grounds was that in view of the provisions of Section 33 of the RBD Act, no suit, prosecution or other legal proceedings would lie against the Central Government or against the presiding Officer of a Tribunal or the Chairperson of the Tribunal or against the Recovery Officer for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

11. In the reply, it was averred that the said provision would not apply. However, the trial Court did not even refer to the said ground and proceeded to decided the application for rejection of plaint on the ground of Court fee etc. In the considered opinion of this Court, the trial Court was required to examine the said ground also and return findings on the same.

12. That being so, the impugned order is not sustainable and is accordingly set aside. The matter is remitted to the trial Court for a fresh decision on the application after hearing both sides. The trial Court would hear both sides and decide the application afresh, dealing with all grounds raised in the application and the arguments of both sides.

13. Needless to assert that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**22.07.2025**

*Manoj Bhutani*

Whether speaking/reasoned Yes/No



Whether reportable

Yes/No