

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

CR No.6374 of 2017
Date of decision :19.09.2017

Gitanshi Polychem Pvt. Ltd. and others ...Petitioners

Versus

Sanjay Aggarwal ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jhanji, Advocate
for the petitioners .

ANIL KSHETARPAL, J. (Oral)

Defendant is in revision petition against the order dismissing the application under Order 7 Rule 11 CPC for rejection of the plaint.

Defendant had asserted that plaintiff has come to the Court with wrong assertions. In fact, plaintiff was a share-holder of the Company to the extent of 30%.

Order 7 Rule 11 CPC is very specific. Order 7 Rule 11 CPC is extracted as under:

“11. Rejection of plaint.- The plaint shall be rejected in the following cases:—
(a) where it does not disclose a cause of action;
(b) where the relief claimed is under-valued, and the plaintiff, on being required by the court to so correct the valuation within a time to be fixed by the Court, fails to do so;
(c) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and

the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

[(e) where it is not filed in duplicate;

[(f) where the plaintiff fails to comply with the provision of rule 9:]]

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-papers shall not be extended unless the court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]”

The Court has held that the assertions made by the defendant-petitioner seeking rejection of the plaint does not fall within the scope of the provisions of Order 7 Rule 11 CPC.

Learned counsel for the petitioners has submitted that the Court at Faridabad has no territorial jurisdiction. He has further submitted that in the proceedings under the Companies Act, plaintiff has taken a different stand.

I am afraid that both the arguments of learned counsel cannot

be accepted because defendant did not plead before the Court below that the Court at Faridabad lacks territorial jurisdiction, therefore, petitioner cannot be permitted to raise this argument for the first time in this Court.

Second argument of learned counsel is also without any substance because, after the parties are allowed to lead evidence, the trial Court would appreciate, whether the stand of the plaintiff is different or contradictory.

In view thereof, I do find any good ground to interfere with the order passed by the trial Court.

Hence, the revision petition is dismissed.

19.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No