

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

**CR No.2554 of 2017(O&M)
Date of Decision: 25.01.2019**

**Brij Lal Seth (since deceased) through LR
.....Petitioner**

Versus

**M/s Haryana Steel Mongers (P) Ltd. and others
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Atul Gaur, Advocate
for the petitioner.

Mr. Deepak Gupta, Advocate and
Mr. Jagmohan Bansal, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. Learned counsel for respondent No.1 has pointed out that CR No.2308 of 2017 was filed by LR's of Brij Lal Seth (deceased) against the same impugned order and the same was allowed to be withdrawn with a liberty to file an appeal in accordance with law vide order dated 26.09.2017. The present revision petition has been preferred by one of the remaining legal representative i.e. Nirja Aneja who did not join the proceedings in earlier CR No.2308 of 2017.

[2]. Learned counsel for the petitioner submitted that the

impugned order can be assailed with the aid of Article 227 of the Constitution of India which has been discussed by Division Bench of Rajasthan High Court in **Shri Balaji Industrial Products Limited Vs. AIA Engineering Limited, through its authorized signatory Mr. Achyut C. Parikh, 2018(1) DNJ 114** and it was held that neither a revision petition under Section 8 of the Act of 2015, nor miscellaneous appeal under Section 13 of the Act is maintainable against the order of rejection of application under Order 7 Rule 11 CPC. The Court held that the object of the Act of 2015 is to provide early resolution of commercial disputes and the appeals arising out of interlocutory orders have been curtailed. Even representations on the same issue of jurisdiction are prohibited. It is evident from reading of Section 8 of the Act itself that representations and challenges against any interlocutory order of a Commercial Court are prohibited, *inter alia* on the issue of jurisdiction. Miscellaneous appeals arising out of orders of Commercial Court under Section 13(1) of the Act are limited to specified orders as contained in Order 43 Rule 1 CPC. It was also held that the powers under Article 227 of the Constitution of India cannot be extended in routine manner as the same are meant to use very sparingly and in exceptional cases.

[3]. The present case is not a case of such type in which

extraordinary supervisory jurisdiction of this Court under Article 227 of the Constitution of India can be exercised, particularly when CR No.2308 of 2017 filed by some of the legal heirs of Brij Lal Seth (deceased) has already been dismissed as withdrawn with a liberty to avail remedy of appeal in accordance with law.

[4]. In view of above, this revision petition is found to be totally devoid of merits and is accordingly dismissed.

25.01.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**