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

+ **FAO(OS) (COMM) 44/2020**

KIRAN CHOPRA & ORS

..... Appellants

Through: Mr.Sudhanshu Batra, Senior
Advocate, Mr.Sanjeev Sindhwani,
Senior Advocate, with Mr.Arvind K.
Gupta, Mr. K.R.Chawla, Mr.Vijay
Chawla and Mr. Dhruv Chawla,
Advocates

versus

THE HIND SAMACHAR LTD & ORS

..... Respondents

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Jayant Mehta, Mr.Ekansh
Mishra, Advocates for respondents
No. 1 to 5.
Mr. Arun Kathpalia, Senior Advocate
with Mr. Ishan Karki, Advocate for
respondents No. 6 & 7

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **25.02.2020**

Caveat No.171/2020

Since Mr. Jayant Mehta, Advocate has entered appearance on behalf of the respondents No.1 to 5 and Mr. Ishan Karki, Advocate enters appearance on behalf of respondents No.6 and 7, the caveat stands discharged.

C.M. Appl.No. 7504/2020 (exemption)

1. Exemption allowed subject to all just exceptions.
2. The application is disposed of.

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FAO (OS)(COMM) No.44/2020, C.M. Appl.No. 7502/2020 (Stay)

1. The appellant/defendant No. 1 in CS (Comm) No.74/2020 is aggrieved by an order dated 19.02.2020, passed by the learned Single Judge directing that all dues of the respondent No. 1/plaintiff, Hind Samachar Limited be deposited into the Jalandhar Branch of Bank of Baroda, opened on the basis of a Resolution of the Board of Directors of the company.
2. In our opinion, the grounds taken in the present appeal including the grounds that the civil suit instituted by the respondent No.1/plaintiff is not maintainable because the matter is pending before the NCLT, can very well be raised by the appellants/defendants by filing an application under Order 7 Rule 11 CPC for seeking rejection of the plaint.
3. We may further note that the impugned order is only an ad interim order. If the appellants/defendants are aggrieved by the said order, they are entitled to seek its vacation/modification, etc. by resorting to the provisions of Order 39 Rule 4 CPC, which has not been done. We, therefore, decline to entertain the present appeal. However, the appellants are entitled to avail of the remedies as may be available to them in law.
4. The appeal and the pending application are disposed of.

HIMA KOHLI, J.

ASHA MENON, J.

FEBRUARY 25, 2020/pkb/neelam
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