

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

Sr. No.112

Civil Revision No.182 of 2021

Date of Decision : September 02, 2021

IminBit TechIndia Pvt. Ltd. and another

...Petitioners

Versus

Naveen Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The respondent has filed a suit for declaration that assignment deed dated 05.08.2019 allegedly executed by him was a forged document. Consequential relief of injunction has also been sought. The petitioners-defendants filed an application under Order 7 Rule 11 CPC seeking rejection of the plaint on the ground of lack of jurisdiction. The said application has been rejected by the trial Court vide impugned order dated 15.12.2020.

Learned counsel for the petitioners submits that the plaintiff-respondent had resigned from Directorship of petitioner No.1 prior to filing of the suit. Thus, the suit amounts to a complaint regarding oppression under Section 241 of the Companies Act, 2013. Whenever, a complaint of oppression etc. is made, only the Tribunal constituted under the Companies Act, 2013 has jurisdiction and thus, the trial Court was in error in dismissing the application under Order 7 Rule 11 CPC. He places reliance upon a Division Bench judgment dated 27.09.2019 passed by the Calcutta

Civil Revision No.182 of 2021

High Court in A.P.O.T No.26 of 2019 titled as ***Vikram Jairath and others vs. Middleton Hotels Pvt. Ltd. and others.***

It is settled law that while deciding an application under Order 7 Rule 11 CPC only the plaint has to be read. A reading of the plaint shows that the relief claimed is a declaration that assignment deed dated 05.08.2019 is a forged document. Thus, the argument that the plaint amounts to a complaint of oppression under the Companies Act, 2013 is misconceived. Jurisdiction of the civil Court exists under all situations except where the same has been specifically excluded by a statute. Lack of jurisdiction cannot be claimed on the basis of inferences. The judgment of the Calcutta High Court in ***Vikram Jairath (supra)*** is not applicable to the facts of this case. In fact, the said judgment holds that lack of jurisdiction of the civil Court is not to be readily inferred.

In view of the above, I see no ground to interfere in the impugned order dated 15.12.2020. The revision petition lacks merit and is dismissed.

September 02, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No