

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

109

2023:PHHC:093871

CR-6618-2017

Date of decision: 25.07.2023

M/S C.J. ENTERPRISES CORP AND ANR

..Petitioners

Versus

M/S BEST CASTING ENGG. WORKS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abnash Singh, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The defendants application for rejection of the plaint at the threshold in exercise of powers under Order VII Rule 11 of the Code of Civil Procedure, 1908, has been dismissed by the trial Court.

2. This revision petition has been filed to challenge its correctness.

3. The learned counsel representing the petitioners (defendants before the trial Court) submits that in view of Section 18 and 24 of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as the '2006 Act'), the jurisdiction of the Civil Court is barred because the plaintiff and the defendants are manufacturing units.

4. This Court has considered the submissions.

5. The defendants are required to prove that both the parties are governed by 2006 Act. From the reading of the plaint, it is not possible to conclude that both the parties are covered by the provisions of the aforesaid Act. The learned trial Court has dismissed the application on the aforesaid ground.

6. Before ordering rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, the Court is required to come to a

definite conclusion that the suit is barred by law. Section 18 and 24 of the 2006 Act provide for a forum of Micro and Medium Enterprises Facilitation Council for resolution of dispute. The facts asserted by the petitioner are required to be proved by leading evidence, hence, it would not be appropriate to reject the plaint at the threshold.

- 7. Hence, no ground to interfere is made out.
- 8. Dismissed accordingly.
- 9. All the pending miscellaneous applications, if any, are also disposed of.

July 25th, 2023

(ANIL KSHETARPAL)
JUDGE

Ay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No