



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO.42 OF 2024

(M/s Mohota Industries Ltd. Tah. Hinganghat, Dist. Wardha thr. its Authorised
Representative Shri Pradeep Harne Vs. Smt. Vibha W/o Mayank Agarwal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Jatin Kumar, Advocate for Applicant.

CORAM: M. W. CHANDWANI, J.

DATE: 26th FEBRUARY, 2024.

By the present application, the applicant has to incorporate additional prayer in the application. For the reasons mentioned in the application, the application is allowed. Amendment be carried out forthwith.

2. Vide order dated 23.11.2023 passed by the learned Civil Judge, Senior Division, Hinganghat, the application under Order VII Rule 11 of the Code of Civil Procedure of the applicant, has been rejected.

3. It is the contention of the learned counsel for the applicant that the order of moratorium has been created on the applicant by order dated 30.08.2021 passed by the National Company Law Tribunal, Mumbai and in view of the said order and in view of section 14 of the Insolvency and Bankruptcy Code, 2016, the suit for recovery of the property by the non-applicant from the applicant which is

occupied by the applicant is prohibited. Inspite of that the non-applicant filed suit for recovery of possession from the applicant. The applicant has applied under Order VII Rule 11 of the Code of Civil Procedure for rejecting the plaint since it is borrowed by N.C.L.T. Insolvency and Bankruptcy Code, 2016, which came to be rejected by the impugned order.

4. Issue notice to the non-applicant, returnable after two weeks.

5. The trial court shall not proceed further in the matter till next date of hearing.

JUDGE

NSN