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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 163 OF 2025

E and G Global Estate Ltd. & Ors.

...Applicants

V/s.

Sheetal Vishwas Attavar

...Respondent

Ms. Rukmini Khairnar for the Applicants.

**CORAM : N.J. JAMADAR, J.**

**DATE : 25TH MARCH, 2025.**

**P.C.:-**

1. Heard learned counsel for the Applicants.
2. The challenge in this Application is to an order dated 28.02.2025, passed by the learned 4<sup>th</sup> Civil Judge (S.D), Nashik, whereby the application preferred by the Applicants for rejection of the plaint under order VII Rule 11 of the Code of Civil Procedure, 1908 came to be rejected.
3. The Respondent has instituted the suit to restrain the Applicants / Defendants from disturbing peaceful possession of the Plaintiff over the suit property and from disturbing the

Plaintiff from carrying out the business activities over the suit property, for compensation for mental agony and harassment and expenses incurred towards deploying additional security and legal costs etc.

4. The Applicants preferred an application for rejection of the plaint on the ground that the suit is barred by the provisions of Section 430 of the Companies Act, 2013, as the jurisdiction of the Civil Court to entertain and decide the questions, which were required to be decided by the Tribunal, was barred thereunder.

5. Learned Civil Judge rejected the application observing that no proceeding was pending before the Tribunal. It was further observed that the issue of jurisdiction was contentious and required consideration and, therefore, the plaint cannot be rejected at the threshold.

6. Ms.Khairnar, learned counsel for the Applicants submitted that the Trial Court committed an error in rejecting the application in view of clear bar under Section 280 of the Companies Act, 2013. It was further submitted that under clause

(a) of Section 280, any suit or proceedings by or against the Company was to be entertained, tried and disposed of by the Tribunal.

7. I am afraid to accede to the aforesaid submission. At the stage of consideration for rejection of the plaint under Order VII Rule 11, the Court has to consider the averments in the plaint and the documents annexed herewith. On a meaningful reading of the plaint, it becomes evident that the suit is for injunction and compensation on account of the alleged violation of the obligation on the part of the Defendant not to disturb the possession of the Plaintiff over the suit property and business activities being carried on by the Plaintiff. The dispute is purely of civil nature and for enforcement of common law remedies. The issues that warrant adjudication by the Tribunal exclusively, under Section 430 of the Companies Act, 2013, do not arise for determination in the suit. It is a suit for enforcing the obligations of the Defendants not to disturb the possession of the Plaintiff. Therefore, the learned Civil Judge was justified in rejecting the application for rejection of the plaint. No

interference in exercise of revisional jurisdiction is warranted.

8. The Civil Revision Application stands dismissed.

*( N.J. JAMADAR, J.)*