



A.S.Nos.124, 125, 126, 127, 128, 129, 130, 138, 139 & 145 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.03.2025

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR**

**A.S.Nos.124, 125, 126, 127, 128, 129, 130, 138, 139 & 145 of 2025 &  
CMP. Nos. 7853, 7857, 7859, 7860, 7861, 7862, 7863, 7864, 7865  
& 7867 of 2025**

1. M.Kanagaraj
2. G.Ramakrishnan
3. L.Lakshmanaperumal
4. M.V.G.Srinivasan
5. Mr.S.Senthil Marison

... Appellants in all ASs

.. Vs ..

M/s.Springfield Shelters P. Ltd.,  
Rep. by Mr.R.Raghavendran, Resolution Personnel,  
Dhruvadhara Apartment, Dr.Rajendra Prasad Road,  
Tatabad, Coimbatore – 641 012.

... Respondent in all ASs

**Common Prayer:** Appeals filed under Section 96 of Civil Procedure Code to set aside the judgment and decree dated 15.06.2023 made in I.A.Nos.5, 4, 2, 4, 3, 2, 3, 3, 4, 2 of 2021 in O.S.No.421, 419, 380, 420, 424, 417, 418, 423, 423 and 449 of 2020 on the file of the III Additional District Judge, Coimbatore.

For Appellants : Mr.R.Bharathkumar – in all ASs

For Respondent : Mr.A.Akash Balagee – in all ASs

**COMMON ORDER**



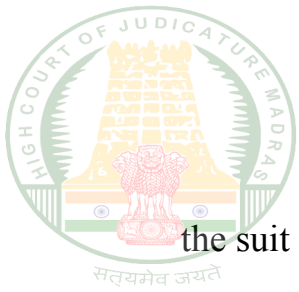
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Challenging the Order and decretal Order of the trial Court rejecting the plaint filed by the plaintiff, these Appeal Suits have been filed.

2. The main suits have been filed for cancellation of sale deeds executed by the first defendant as null and void. The suits have been filed on the ground that the sale deeds have been executed contrary to the Joint Venture agreement entered between the plaintiffs and the first and second defendants. While so, an application has been taken out by the resolution professional on the ground that moratorium under section 14[1] Insolvency and Bankruptcy Code 2016 has been invoked. Taking note of the fact that during the moratorium period suit has been filed and such institution is totally barred under section 14 [1] of the Insolvency and Bankruptcy Code, the suit has been rejected by the trial Court. Challenging such rejection, the present appeals have been filed.

3. Though appeal has also been filed by the first defendant, since the proceedings before NCLT is already been withdrawn, it is submitted by the learned counsel for the first defendant that company has been revived as per the proceedings before NCLT and the Corporate Debtor has also been released from all rigours of the IBC, 2016. Therefore, submitted that they will defend



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the suit as per law.

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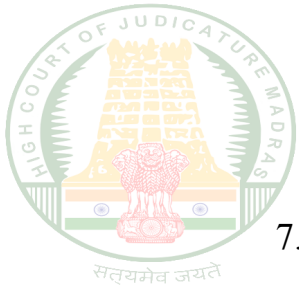
4. Now the point arises for consideration

Whether the suit can be rejected in toto on the ground that the suit has been during the moratorium period?

5. Point :

It is to be noted that the period of moratorium is already over and the company has also been revived as per the Order of the NCLT, dated 20.03.2024. This aspect has not been disputed by both sides. The Order of the NCLT has also been placed before this Court. In such view of the matter, as the Corporate debtor namely the first defendant in the suit has already been released from Indian Bankruptcy Code 2016, now the suit has to be proceeded against the first defendant.

6. Accordingly, the Order of the trial Court rejecting the plaint stands set aside and the trial Court shall proceed with the suits after giving opportunity to the parties to file pleadings including written statement by the defendants and dispose of the suit expeditiously. The point is answered accordingly.



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7. With the above direction, these appeals are allowed. No costs.

WEB COPY Consequently, connected petitions are closed.

**27.03.2025**

Index : Yes/No

Internet : Yes/No

vrc

To,

1. The III Additional District Judge,  
Coimbatore.

2. V.R. Section, High Court, Madras.



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**N.SATHISH KUMAR, J.**

vrc

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