

CS DJ 382/20

DALAM CHAND BENGANI AND OTHERS Vs. BHARAT
BHUSHAN JAIN SOLE PROP OF M/S OM SYNTHETICS

16.09.2025

Present: Sh Akshay Bhasin, Ld Counsel for the plaintiff.
Sh Neeraj Sharma, Ld Counsel for the defendant
(Through VC)

The matter is listed today for arguments on the application filed by the defendant seeking leave to defend.

At the outset, learned counsel for the defendant has drawn the attention of this Court to order dated 24.04.2024 passed by NCLT Division Bench-1, Ahmedabad, whereby the defendant, Mr. Bharat Bhushan Jain, has been adjudged insolvent and an IRP has been appointed. On this basis, it has been submitted that the present proceedings are liable to be stayed and cannot be permitted to proceed further in view of the said development.

Learned counsel for the plaintiff on the other hand has submitted that the present suit has been instituted against the defendant not in his individual capacity but in his capacity as proprietor of M/s Om Synthetics, and therefore, the bar under the provisions of the Insolvency and Bankruptcy Code is not attracted. In support of his submission, learned counsel for the plaintiff has placed reliance on the judgment of the Hon'ble High Court of Madhya Pradesh at Indore in *Ramesh Kothari vs. State of Madhya Pradesh & Ors.* A copy of the said judgment be supplied to the opposite side.

At request, list the matter for consideration on the aforesaid issue raised by the Ld. Counsel for the defendant and

for arguments on the aforesaid application of the defendant seeking leave to defend on **28.11.2025**.

Both parties are directed to file their respective written submissions, not exceeding three pages, by the NDOH with advance copy to each other.

(Ravinder Singh II)
DJ-04, North, Rohini Courts,
Delhi/16.09.2025