



2026:CGHC:9728

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CR No. 35 of 2022**

1 - Subhash Vintrade Private Limited Through Its Director Daman Kumar Sarthi, The Company Having Its Registered Office At 5th Floor, Ozone Tower, Fafadih Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

--- Applicant(s)**versus**

1 - Abhishek Kumar Chand S/o Late Harbansh Lal (Wongly Mentioned As Harbansallal) R/o 2252 Railway Road Adampur, Tehsil And District Jalandhar Punjab, District : Jalandhar, Punjab.

2 - Smt. Sunita Rani W/o Late Harbanshlal, R/o 2252 Railway Road Adampur, Tehsil And District Jalandhar Punjab, District : Jalandhar, Punjab.

3 - Renu Kumari Chand D/o Late Harbanshlal, R/o 2252 Railway Road Adampur, Tehsil And District Jalandhar Punjab, District : Jalandhar, Punjab.

4 - Rachna Kumari Manhi D/o Late Harbanshlal, R/o 2252 Railway Road Adampur, Tehsil And District Jalandhar Punjab, District : Jalandhar, Punjab.

5 - Subhash Sharma S/o Lokeshwar Prasad Sharma R/o L I G - C 109 Shailendra Nagar Raipur Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

6 - Ummend Singh S/o Ridmal Singh The Then Director Of Subhash Vintrade Private Limited Having Its Office At 5th Floor Ozone Tower, Fafadih Raipur Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

7 - Daman Kumar Sarthi S/o Mahesh Kumar Sarthi Director Of Subhash Vintrade Private Limited Having Its Office At 5th Floor Ozone Tower, Fafadih Raipur Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

8 - Sagar S/o Girdhari Director Of Subhash Vintrade Private Limited Having Its Office At 5th Floor Ozone Tower, Fafadih Raipur Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

9 - State Of Chhattisgarh Through Collector, Collector Office Raipur, Tehsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

--- Respondent(s)

For Applicant(s) : Mr. Premshankar Yadav, Advocate.

For Respondent(s)/State : Mr. Sangharsh Pandey, G.A.

CR No. 33 of 2022

1 - Subhash Vintrade Pvt Ltd. Company (Registered Under Companies Act, 1956) Registered Address- 5th Floor, Ozone Tower, Fafadih, Raipur, Tahsil And District - Raipur (C.G.).

2 - Daman Kumar Sarathi, S/o Mahesh Kumar Sarathi, Aged About 35 Years Director Subhash Vintrade Pvt. Ltd., Present Address - House No. 49/14, Jawahar Para, Balod, Tahsil - Balod, District- Durg (C.G.).

3 - Sagar, S/o Girdhari Aged About 34 Years Director Subhash Vintrade Pvt. Ltd., Present Address - House No. 49/14, Jawahar Para, Balod, Tahsil - Balod, District- Durg (C.G.).

---Petitioner(s)

Versus

1 - Abhishek Kumar Chand Aged About 31 Years R/o 2252, Railway Road, Adampur, Tahsil And District Jalandhar, Punjab And Through Their Power Of Attorney Holder Namely Dashvindar Kumar, Son Of Late Ratanchand, Aged Around 63 Years, Resident Of 2252, Raiway Road, Adampur, Tehsil And District - Jalandhar, Punjab.

2 - Sunita Rani, Wd/o Late Harbansh Lal Aged About 59 Years R/o 2252, Railway Road, Adampur, Tahsil And District Jalandhar, Punjab And Through Their Power Of Attorney Holder Namely Dashvindar Kumar, Son Of Late Ratanchand, Aged Around 63 Years, Resident Of 2252, Raiway Road, Adampur, Tehsil And District - Jalandhar, Punjab.

3 - Renu Kumari Chand, D/o Late Harbansh Lal Aged About 36 Years R/o 2252, Railway Road, Adampur, Tahsil And District Jalandhar, Punjab And Through Their Power Of Attorney Holder Namely

Dashvindar Kumar, Son Of Late Ratanchand, Aged Around 63 Years, Resident Of 2252, Raiway Road, Adampur, Tehsil And District - Jalandhar, Punjab.

4 - Rachna Kumari Malhi Alias Rachana Kumari Chand D/o Late Harbansh Lal Aged About 38 Years R/o 2252, Railway Road, Adampur, Tahsil And District Jalandhar, Punjab And Through Their Power Of Attorney Holder Namely Dashvindar Kumar, Son Of Late Ratanchand, Aged Around 63 Years, Resident Of 2252, Raiway Road, Adampur, Tehsil And District - Jalandhar, Punjab.

5 - Subhash Sharma S/o Sh. Lokeshwar Prasad Sharma Aged About 58 Years R/o L.I.G. C-109, Shailendra Nagar, Raipur, Tehsil And District - Raipur (C.G.).

6 - Ummend Singh S/o Ridmal Singh Aged About 34 Years The Then Director Subhash Vintrade Pvt. Ltd. Address - 5th Floor, Ozone Tower, Fafadih, Raipur, Tehsil And District - Raipur (C.G.).

7 - State Of Chhattisgarh Through District Collector, Raipur (C.G.)

--- Respondent(s)

For Applicant(s)	:	None.
For Respondent(s)/State	:	Mr. Sangharsh Pandey, G.A.
For Respondents No. 1 to 4	:	Mr. Amrito Das, Advocate along with Mr. Animesh Pathak, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

24/02/2026

1. Since common question of facts and law is involved in these cases, as such, all these revision petitions are being disposed of by this common order.
2. The applicant has prayed for certain reliefs in the revision petitions. Though there are some sort of differences in respect of prayer made by the applicant in all the revision petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in **CR No. 35/202 (Subhash Vintrade Private Limited vs. Abhishek Kumar Chand & others)** are quoted hereinbelow in order to consider these cases and to decide the same.

“1. To kindly call for entire records of the case.

2. To kindly allow this Petition and set aside the order dated 10.03.2020 which relates to rejection of application under order 7 rule 11 cpc r/w section 34 SARFAESI ACT, 2002 and hold that the plaint is liable to be rejected.

3. Any other relief which this court deems fit in the interest of justice.”

3. Brief facts of the case, is that, the Petitioner Company is one of the defendants in Civil Suit No. 105A/16 pending between Respondent Nos. 1 to 4 (Plaintiffs) and Respondent Nos. 5 to 10 (Defendants), and I, Daman Kumar Sarthi, being a Director of the Petitioner Company, am duly authorized by a resolution passed by the Board of Directors to file the present petition on its behalf. It is submitted that one Harbansh Lal (since deceased) had

instituted the aforesaid civil suit against Respondent Nos. 5 to 9, including the Petitioner Company, seeking a declaration and permanent injunction in respect of the suit property bearing Khasra No. 439/3 admeasuring 0.115 hectare and Khasra No. 439/6 admeasuring 0.202 hectare, totaling 0.317 hectare (i.e., 3170 sq. meters or 34,109 sq. feet), situated at Village Purena, P.H.N. 113, proposed H.N. 44, Rajendra Prasad Shukla Ward, Raipur, on the ground that although a sale deed dated 25.09.2013 was executed in favour of the Petitioner Company, the consideration amount was allegedly paid through five post-dated cheques which were dishonoured, and therefore the sale deed was liable to be declared null and void; upon the death of the original plaintiff, the suit is now being prosecuted by his legal representatives, namely Respondent Nos. 1 to 4 herein. Respondent No. 5 filed his written statement seeking dismissal of the suit with costs. During the pendency of the suit, the Petitioner filed an application under Order VII Rule 11 read with Section 34 of the SARFAESI Act, 2002, contending that since proceedings under Section 13(4) of the SARFAESI Act had already been initiated in respect of the said property, the civil suit for declaration and permanent injunction was barred and not maintainable. However, the learned Trial Court, while passing the order dated 10.03.2022, failed to consider the mandatory provisions of Section 34 of the SARFAESI Act and Order VII Rule 11 CPC, and erroneously declined to reject the plaint despite

settled law laid down by the Hon'ble Supreme Court and the Hon'ble High Court of Chhattisgarh, and hence the present petition has been preferred.

4. Learned counsel for the applicant submits that the present case is not maintainable in the eyes of law, however, he fairly concedes that the learned trial Court has already framed the requisite issues in the matter. It is, therefore, contended that instead of deciding the objection as to maintainability at this stage, it would be just and proper to allow the trial Court to adjudicate the entire controversy on the basis of the issues so framed, after granting adequate opportunity to the parties to adduce evidence and address arguments. It is thus prayed that the question of maintainability, as raised by the applicant, be left open to be considered and decided by the trial Court at the time of final disposal of the suit in accordance with law.
5. On the other hand, learned counsel for respondents opposes the same.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Upon perusal of the revision petition and the record of the case, it transpires that the suit is more than five years old and had already reached an advanced stage, with issues having been duly framed and the matter fixed for recording of the plaintiff's evidence at the relevant time. The record further reveals that the suit was instituted as far back as 16.09.2016 and is presently

pending at the stage of evidence. In view of the advanced stage of the proceedings and the considerable lapse of time since the institution of the suit, this Court does not consider it to be a fit case for interference in exercise of its revisional jurisdiction. Accordingly, no interference is warranted. However, having regard to the age of the matter, the concerned trial Court is directed to expedite the proceedings and conclude the trial within a reasonable and short period, strictly in accordance with law. It is further directed that, if the issue of jurisdiction has not yet been framed, the trial Court shall frame the same and decide it expeditiously along with the other issues.

8. It is clarified that this Court has not expressed any opinion on the merits of the case, and the trial Court shall adjudicate the matter independently on the basis of the evidence and material available on record.
9. With this observation and direction, the revision petitions are disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge