

M/s Sanya Enterprises Vs. Roshan Lal and Ors.
CR No.8 of 2025

07.01.2026 Present:

Mr. Ajay Sharma, Sr. Advocate with Mr. Tarun Brakta, Advocate, for the petitioner.

Respondent No.1 proceeded against ex parte vide order dated 21.07.2025.

Mr. B.N. Sharma, Mr. Diwakar Dev Sharma and Mr. Raj Kumar Negi, Addl. Advocates General with Mr. Manish Thakur, Dy. Advocate General, for respondent No.3/State.

Mr. Arvind Sharma, Advocate, for respondent No.4.

Mr. Gaurav Thakur, Advocate, vice Mr. Rajesh Parmar, Advocate, for respondents No.5 to 8.

In pursuance to the previous order dated 5th January, 2026, learned counsel appearing on behalf of respondent No.4 has drawn the attention of this Court to judgment reported as **(2022) 8 SCC 633 titled as Frost International Limited vs. Milan Developers and Builders Private Limited and another**. Relevant extract whereof reads as under:-

“31 No doubt rejection of a plaint is a decree within the meaning of [Section 2\(2\)](#) of CPC and an appeal lies from every decree passed by any court exercising original jurisdiction to the Court authorised to hear appeals from a decision of such court. However, it must be borne in mind that when a revisional court rejects a plaint, in substance, an application filed under Order VII Rule 11 is being allowed. Under such circumstances, the remedy by way of a writ petition under [Article 227](#) of the Constitution could be availed and respondent no.1/plaintiff has resorted to the said remedy in the instant case; although if the plaint had been rejected by the trial court i.e. court of original jurisdiction, it would have resulted in a right of appeal under [Section 96](#) of CPC.”

List before another Bench at the pleasure of Hon’ble the Chief Justice.

(Bipin C. Negi)
Judge

07th January 2026
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