

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3567/2026

M/s Shrifal Impex, Through Proprietor Vivek Salecha S/o Shri Jawarilal Salecha, Age 40 Years, R/o Plot No. 271 B, Keshar Bagh, Shiv Road, Ratanada, Jodhpur.

-----Petitioner

Versus

M/s Kiran Texcreation Private Limited Company, Through Director Sidharth Jain S/o Late Shri Jaswantmal Sanchati, R/o 9, Tractor Association, Near Hans Om Sai Building, Pal Road, Jodhpur.

-----Respondent

For Petitioner(s)	:	Mr. Jog Singh Bhati Mr. Sharvan Das Vaishnav Mr. Rajpal Singh Ratore
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. Learned counsel for the petitioner submits that in view of Section 8 of the Commercial Courts Act, a revision petition against an interlocutory order is expressly barred; hence, the present writ petition is maintainable against the impugned order.
2. It is further contended that suit filed by the respondent-plaintiff is *ex facie* barred by limitation. Even after excluding 55 days consumed in pre-litigation proceedings under Section 12A of the Commercial Courts Act, the suit has been instituted with a delay of 9 days beyond the prescribed limitation period of three years.
3. Learned counsel submits that the trial court gravely erred in placing reliance upon an invoice dated 15.06.2022, which was

merely annexed and not pleaded in the plaint. While adjudicating an application under Order 7 Rule 11 CPC, the Court is obligated to confine its consideration strictly to the averments contained in the plaint. According to the plaint, which was filed on 18.08.2025, the last transaction between the parties took place on 31.12.2020; therefore, the suit is clearly barred by limitation.

4. It is also argued that alleged credit note dated 15.06.2022 neither bears the petitioner's signature nor fulfills the essential requirements of Sections 18 and 19 of the Limitation Act, and thus cannot be relied upon to extend the period of limitation.

5. Lastly, it is contended that the Trial Court failed to perform its statutory duty under Section 3 of the Limitation Act to examine the question of limitation at the threshold and erroneously dismissed the petitioner's application under Order 7 Rule 11 of C.P.C.

6. The matter requires consideration.

7. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

8. In the meanwhile, further proceedings in Civil Original Suit No.52/2025 titled as "*Kiran Texcreation Pvt. Ltd. Vs. Shrifal Ipex*" pending before the learned Commercial Court No.1, Jodhpur Metropolitan, Jodhpur shall remain stayed.

(MUKESH RAJPUROHIT),J