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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6191 of 2025
and CMP No.30528 of 2025

Case QR

CNR:{HCMA012818072025}

Lg H And H Co. Ltd.,
Rep by is Authorised Signatory,
Hyo Seon Kim, 58 Saemunan-ro,
Jongno-gu, Seoul 03184,
The Republic of Korea.

Petitioner(s)

Vs

1. India Household And Healthcare Ltd
Represented by its Vice Chairman and
Managing Director, Vijay R.Singh,
No.44, Tank Bund Road,
Nungambakkam, Chennai-600 034.

2.LG Electronics India Pvt Ltd.,
Rep by its Managing Director K.R.
Kim, Plot No.51, Udyog Vihar,
Surjapur Kasna Road, Greater Noida,
Uttar Pradesh, India.

3.LG Electronics India Pvt Ltd.,
Rep by its Managing Director B.M.
Koo, 20 Yoido Dong Yougdungpo Gu,
Seoul 150 721, The Republic of Korea.

Respondent(s)

PRAYER

Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 15.10.2025 passed by the learned II Additional Judge,

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City Civil Court, Chennai in IA No.5 of 2024 in OS No.2680 of 2021 and consequently dismiss the proceedings in OS.No.2680 of 2021 pending before the learned II Additional Judge, City Civil Court, Chennai.

For Petitioner(s): Ms.Madhupreetha Elango

For Respondent(s): For R1 to R3 – sd - NA

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in IA No.5 of 2024 in OS No.2680 of 2021, dated 15.10.2025, on the file of the learned II Additional Judge, City Civil Court, Chennai, wherein the application filed by the petitioner/1st defendant under Order VII Rule 11 of CPC, for rejection of plaint came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner and carefully considered the materials available on record. The respondents have been served with notice and their names have also been printed in the cause list. There is no appearance either in person or through counsel.

3.The 1st respondent is the plaintiff who filed the suit in OS.No.2680 of 2021, seeking for the following reliefs:

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a) Declaration, declaring that the Notice of Termination dated 05.02.2005 issued by the 1st Defendant through its Counsel by terminating the MOU dated 05.03.2004 with the Plaintiff is illegal and null and void.

b) For a permanent injunction restraining the Defendants Nos. 1 to 3 from importing/manufacturing in India any kind of Cosmetics products) with LG logo for sale, distribution, advertising and promotions in India which is the subject matter of the MOU dated 05.03.2004 and the minutes of the meeting dated 03.09.2004, either directly or through their business associates, subsidiaries, licensees, agents, sub-agents, representatives or any other entity except through the Plaintiff.

c) For a permanent mandatory injunction directing the 1st Defendant to supply al types of LG Cosmetics Products under the LG Cosmetics brand names LACVERT", "E'ZUP", "EXPRIM'and"ISAKNOX" with the LG logo to the Plaintiff for its LG Beauty Parlours and for marketing, sale, distribution, advertising and promotion in India and consequently provide all necessary support to the Plaintiff for the LG Cosmetics products as per the MOU dated 05.03.2004 and the minutes of the meeting dated 03.09.2004.

4.The petitioner who is the 1st defendant filed IA.No.5 of 2024, under Order VII Rule 11 of CPC, on the ground that the plaintiff Company is no longer in existence and it has been struck off by way of a notice dated 17.7.2017 by the Registrar of Companies, Karnataka under Section 248(5) of the Companies Act, 2013 r/w Rule 9 of the Companies [Removal of Names of

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Companies from the Register of Companies] Rules 2016. In view of the same, it was contended that the plaintiff Company cannot prosecute this suit since they have not sought for any relief for recovery of money from the defendants.

5.The Court below has dismissed the application on the ground that in the absence of any document to prove that the plaintiff Company has been struck off from the Register of Companies, the plaint cannot be rejected. Aggrieved by the said order, the present CRP has been filed before this Court.

6.The short issue that arises for consideration is as to whether the 1st respondent/plaintiff which has been struck off by the Registrar of Companies, Karnataka can maintain the present suit in the absence of any relief seeking for recovery of money.

7.It is clear from the records that the Registrar of Companies, Karnatara in Form No.STK-7 has issued the notice of striking off in Notice No.STK-7/ROC(B)/2017/1 dated 17.7.2017 and this notice was published pursuant to Section 248 (5) of the Companies Act, 2013 and the names of the Companies were annexed along with the notice. The name of the plaintiff Company is found at Serial No.916. On and from 17.7.2017, the name of the plaintiff Company has been struck off from the Register of Companies and the Company has been dissolved.

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8.In the light of this clinching material available, the Court below went wrong in rendering a finding that there is no material available to establish that the plaintiff Company has been struck off from the Register of Companies.

9.Once the Company has been struck off, it ceases to exist as a legal entity and it loses its locus standi to initiate or continue with any legal proceedings. Unless and otherwise the Company is revived by filing an appeal before the National Company Law Tribunal, the Company will remain to be non-existent in the eye of law and it cannot maintain any suit or any legal proceedings.

10.The Court below failed to appreciate the fact that the plaintiff Company has not sought for any recovery of amount from the defendants. Section 250 of the Companies Act, 2013 makes it clear that where a Company stands dissolved under Section 248, it shall cease to operate as a Company from the date mentioned in the notice under Section 248(5) and except for the purpose of realising the amount due and payable to the Company, the Company cannot proceed further with the proceedings. Useful reference can be made to the judgment of the Delhi High Court in **Rajendras properties (Delhi) Pvt. Ltd., and Others .v. Ashok Bansal and Others** reported in ***2023 SCC Online Delhi 4971***. The relevant portions are extracted hereunder:

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27. Another important aspect to be noted by this Court is that name of appellant no.1 has been struck off from the Register of Companies under Section 248 of the Companies Act, 2013 vide order dated 20th November, 2019. Though the appeal on behalf of appellant no.1 is pending before the NCLT since the year 2021, yet despite lapse of reasonable time the name of appellant no.1 has not been restored on the Register of Companies till date. Therefore, appellant no.1/Company is not a legal entity as on date which can maintain the present proceedings. Appellant no.1 has ceased to operate as a company and thus, cannot maintain the present proceedings.

28. Reliance on Section 250 of the Companies Act, 2013 by appellants herein is totally misplaced. Section 250 of the Companies Act, 2013 reads as follows:

> *"250.Effect of company notified as dissolved.-- Where a company stands dissolved under section 248, it shall on and from the date mentioned in the notice under sub-section sub section (5) of that section cease to operate as a company and the Certificate of Incorporation issued to it shall be deemed to have been cancelled from such date except for the purpose of realising the amount due to the company and for the payment or discharge of the liabilities or obligations of the company."*

29. Reading of the aforesaid Section makes it evident that a company will stand dissolved upon removal of its name from the Register of Companies, except for the purpose of realizing the amount due to the company and for the payment or discharge of the liabilities liabilities or obligations of the company. The present proceedings pending before this Court are neither for the purpose of realizing the amount due to the company nor for the

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payment or discharge of the liabilities or obligations of the company. Thus, the judgments relied on behalf of appellants are clearly distinguishable and do not assist appellants in any manner. The judgments of Madras High Court pertain to cases wherein the dissolved company had filed suits for recovery of amounts due to the company, which is is not the case in the present proceedings.

30. Similarly, the judgment in Commissioner of Income Tax, Jaipur Vs M/s Gopal Shri Scrips Pvt. Ltd., Civil Appeal no. 2922/2019 2922/2019, does not come to the assistance of appellants in any manner. The said case deals with tthe claim of Income Tax Department wherein the Income Tax Department had filed an appeal before Rajasthan High Court against a company. The said appeal was dismissed by the High Court on the ground that the name of the company had been struck off from the Register of Companies. In view thereof, Supreme Court held that dismissal of appeal of Income Tax Department by High Court was not legally sustainable. However, the present case falls on a different footing. Claim by Income Tax authorities against a company falls within the purview of discharge of the liabilities and obligations of the company. Whereas, the present appeal does not deal with the issue of realization of any amount due to the appellant no. 1 company or discharge of the liabilities or obligations obligations of appellant no. 1 company or discharge of the liabilities or obligations of appellant no.1 company. Therefore, the aforesaid judgment would have no applicability to the facts and circumstances of the present case.

11.It is clear from the above judgment that the only exception that has been carved out under Section 250 of the Companies Act is where the Company

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is seeking to realise amounts due and payable to the Company. In the absence of the same, once the Company has been struck off, it cannot further prosecute the case unless it is revived under Section 252 of the Companies Act.

12.In the light of the above discussion, the order passed by the Court below while dismissing the application filed under Order VII Rule 11 of CPC, suffers from perversity. The Court below failed to take note of the fact that there is a bar provided by law in maintaining the suit. Accordingly, the order passed by the Court below in IA No.5 of 2024 in OS No.2680 of 202, dated 15.10.2025, on the file of the learned II Additional Judge, City Civil Court, Chennai, is set aside and accordingly, this CRP is allowed.

13In the result, this Civil Revision Petition is allowed in the above terms. .No costs. Consequently, connected miscellaneous petition is closed.

07-10-2026

Index:Yes
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes

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To

II Additional Judge, City Civil Court,
Chennai.

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N.ANAND VENKATESH J.

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