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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4535 of 2015

Date of decision: July 22, 2015

Union of India through General Manager
and another

.....Petitioners

Versus

Grasim Industries Ltd.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Bal, Senior Advocate with
Ms. Kulwant Kaur Kahlon, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 05.02.2015, whereby, application moved by the plaintiff for interim injunction, was allowed.

Learned Senior counsel for the petitioners has submitted that the Appellate Court had erred in allowing the application for temporary injunction. In fact, huge recovery is to be effected from the plaintiff.

Respondent has filed suit for declaration and permanent injunction. The case of the respondent is that the demand of ₹1,78,74,772/- claimed by the petitioners vide letter dated 08.07.2008 was illegal, null and void. Alongwith the suit, respondent moved an application for temporary injunction. The said application was dismissed by the trial Court vide order dated 19.09.2012. Plaintiff-respondent

challenged the said order by way of an appeal and the Appellate Court vide the impugned order dated 05.02.2015 allowed the application for temporary injunction and restrained the petitioners from recovering the amount in question from the respondent-company during the pendency of the suit. While allowing the application, it has been noticed by the Appellate Court that plaintiff-company had already furnished the bank guarantee for more than ₹3 crores in order to secure the amount in question. It has further been noticed by the Appellate Court that the suit was filed by respondent on 19.07.2008, but no effort had been made by the petitioners so far to recover the amount in question. Further, it has been noticed by the Appellate Court that substantial part of evidence had already recorded by the trial Court and the case was almost ripe for arguments.

The reasons given by the Appellate Court while allowing the application for temporary injunction are sound reasons and call for no interference.

Dismissed.

**(SABINA)
JUDGE**

July 22, 2015

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