

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1788 of 2015 (O/M)
Date of decision : 21.12.2015

M/s Buildwell Co.

..... Appellant

Versus

Punjab Mandi Board

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Mahajan, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 1.9.2014, passed by the Additional District Judge (A), Fast Track Court, Amritsar, affirming the judgment and decree dated 9.9.2013, passed by the learned Civil Judge (Junior Division), Amritsar, vide which the suit of the plaintiff-Company (appellant herein) for permanent injunction, was dismissed.

The present appellant had filed a suit for permanent injunction against Punjab Mandi Board for restraining it from recovering a sum of Rs. 11,65,589/-, as disclosed by office of the

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Provident Fund.

In nutshell, the controversy is that Punjab Mandi Board gets the work done through the workers employed by the contractor. The Punjab Mandi Board has been made liable to make the provident fund payment of the workers, which it is claiming from the plaintiff-Company. The law regarding grant of injunction is well settled. Since the monetary loss in ordinary circumstances cannot be considered as irreparable loss, therefore, no injunction can be issued. In the present case, the Provident Fund Commissioner has fastened the Punjab Mandi Board with the liability to pay the provident fund as the workers are employed by the contractor. Therefore, the Punjab Mandi Board had asked the plaintiff-Company to deposit the said amount. There are concurrent findings of two Courts below. No substantial question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

21.12.2015
sjks