

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5391 of 2016 (O&M)
Date of Decision.23.08.2016

Infinity Laboratories Pvt. Ltd.

.....Petitioner

Vs.

State Bank of Patiala and others

.....Respondents

Present: Mr. Harminder Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The prayer in the present revision petition is for issuing a direction to the trial Court to decide the ad interim application filed along with the suit (Annexure P-8). The counsel for the petitioner draws attention of this Court to latest zimni orders wherein vide order dated 11.08.2016 in respect of suit filed on 13.07.2016, service has been effected and two defendants have already filed the reply. The necessity of filing the revision petition has arisen to the fact that material ordered by the applicant was on the basis of LC and the material received was rejected as per the survey report dated 30.06.2016 (Annexures P-4 and P-11). There is an apprehension that the Bank may not encash the LC. In this background of the matter, jurisdiction of this Court under Article 227 of the Constitution of India has been invoked.

I have heard learned counsel for the petitioner and appraised the paper book. It is a matter of record that the suit was instituted on 13.07.2016. The latest two previous zimni orders which are brought on record are reproduced as under:-

“Present: Sh. Balwinder Singh, counsel for the plaintiff.

Counsel for defendant Nos.1 and 3.

Ahlmad has reported that necessary fee for issuing

process to defendant No.2 through proper channel has not been deposited. Ld. Counsel for the plaintiff seeks three days time to deposit necessary fees. Therefore, on request of counsel for the plaintiff case stands adjourned to 11.08.2016 for the above said purpose.

Imanbir Singh Dhaliwal/CJJD/8.8.2016

Present: Sh. Balwinder Singh, counsel for the plaintiff.

Counsel for defendant Nos.1 & 3.

Sh. Ajay Sood, counsel for defendant No.2.

As per report of Ahlmad, process fee not deposited due to which notice to defendant No.2 through proper channel not been sent. However, although service of defendant No.2 has not been effected but still Sh. Ajay Sood, has filed memo of appearance on behalf of defendant No.2 and seeks adjournment for filing reply and power of attorney. As such, case stands adjourned to 22.08.2016 for filing power of attorney and reply.

Imanbir Singh Dhaliwal/CJJD/11.8.2016”

As per the orders, two defendants have already filed the written statement and another has filed the vakalatnama. Keeping in view the urgency of the matter, I am of the opinion that appropriate direction is required to be issued to the trial Court to decide the ad interim application filed under Order 39 Rules 1 and 2 CPC in accordance with law, either on the date fixed i.e. on 24.08.2016 or before 30.08.2016.

The revision petition is disposed of with the above direction. A copy of this order be given to the petitioner under the signatures of Reader attached to this Bench.

(AMIT RAWAL)
JUDGE

August 23, 2016
Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No