

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:11.11.2016

1. CR No.7601 of 2016 (O&M)

National Spot Exchange LimitedPetitioner

Versus

M/s LOIL Overseas Foods Ltd.Respondent

2. CR No.7615 of 2016(O&M)

National Spot Exchange LimitedPetitioner

Versus

M/s LOIL Health Foods Ltd.Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Vikas Kuthiala, Advocate and
Mr. G. Kasuhal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order, CR No.7601 of 2016 and CR No.7615 of 2016 are being disposed of.

[2]. Learned counsel for the petitioner contends that ex parte ad interim order was passed on 25.07.2016. The said order was subsequently made absolute vide order dated

20.11.2014 after proceeding ex parte against defendant-petitioner.

[3]. An application under Order 9 Rule 7 CPC was moved before the trial Court which is still pending. Learned counsel submits that even though the order dated 20.11.2014 is appealable in terms of Order 43 Rule 1(r) CPC, but the petitioner being ex parte cannot avail the remedy of appeal before the lower Appellate Court. Precisely for this reason extraordinary supervisory jurisdiction of this Court is being sought under Article 227 of Constitution of India.

[4]. The submission of the petitioner is that the trial Court be directed to adjudicate upon the application under Order 9 Rule 7 CPC at the earliest, so that the petitioner may have the recourse to lawful remedy. It has been submitted that 03.12.2016 is the date fixed before the trial Court.

[5]. In view of nature of order which this Court proposes to pass, there is no necessity of calling upon the respondent at this stage as no order prejudicial to the interest of respondent is being passed.

[6]. In view of factual matrix of the case, trial Court is directed to decide the application under Order 9 Rule 7 CPC on the date fixed or within a period of one month thereafter in accordance with law.

[7]. In view of aforesaid, the present revision petitions stand disposed of.

11.11.2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No