

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

CR-7626-2016(O&M)

Date of Decision:-03.12.2016

Sahara India Commercial Corporation Ltd.

...Petitioner

V/S

Sahara Grace Condominium and others

.....Respondents

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present : Mr. Chetan Mittal, Sr. Advocate,
with Mr. Mohinder Singh Nain, Advocate,
for the petitioner.

Ms. Pooja Agampal, Advocate,
with Mr. Rajeev Kumar Gupta, Advocate,
for respondent No.1.

Darshan Singh, J. (Oral)

Learned counsel for respondent No.1 has stated at bar that the work as per the injunction order passed by the learned courts below has already been completed. In support of her assertion, she has placed on file the copy of inspection report dated November 22, 2016.

2. In view of this, learned counsel for the petitioner states that the present civil revision petition may be disposed of with the observations that the observations of the learned first appellate Court with respect to *locus* of the plaintiff-respondent No.1 and the definition of “*consumer*” will have no adverse effect and will not cause any prejudice to the rights of the petitioner on the merits of the case.

3. Learned counsel for respondent No.1 has stated that the order under challenge passed by the learned courts below is only to decide the injunction application. Aforesaid disputed questions of law and facts

are yet to be decided by the learned trial Court on appreciation of evidence.

4. There is no dispute with the proposition of law that anything observed by the Court, while deciding the injunction application has no bearing on the merits of the case.

5. Thus, the present revision petition is hereby disposed of with the observations that the observations of the learned first appellate Court qua the locus of plaintiff-respondent No.1 and the definition of the “consumer” will have no effect on the merits of the case. Those questions will remain open and will be adjudicated upon by the learned trial Court on appreciation of the evidence to be adduced by the parties, at the time of final decision of the suit.

6. On the request made by learned counsel for the petitioner, the learned trial Court is directed to take every possible steps to dispose of the suit expeditiously, avoiding the unnecessary adjournments.

DECEMBER 03, 2016
pankaj

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No