

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.1018 of 2010

Thobani Automobiles, Hindustan Petroleum Corporation Limited, through Agent Rajkumar, S/o Shri Haridas Gupta, aged about 45 years, R/o Beside Manas Bhawan, In front of P.G. College, Sector-4, Datta Colony, Ambikapur, District Surguja (CG).

---- Petitioner

Versus

1. Hindustan Petroleum Corporation Limited through P.P. Ganguly, Senior Regional Manager, Regional Office, Madina Manzil, Second Floor, Medical College Road, Raipur (CG).
2. Hindustan Petroleum Corporation Limited, Depot Manager, Tarbahar Naka, Bilaspur (CG).

---- Respondents

For Petitioner :Mr. Prateek Sharma, Advocate
For Respondents :Mr. N.Naha Roy, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/11/2017

(1) The petitioner/plaintiff's application under Order 39 Rule 1 & 2 read with Section 151 of CPC for grant of temporary injunction has been rejected by the trial Court by order dated 09.07.2009, which has been upheld by the Appellate Court by the impugned order dated 19.01.2010, against which this writ petition under Article 227 of the Constitution of India has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner/plaintiff would submit that the concurrent finding recorded by two courts below are perverse and contrary to law.

(3) Per contra, learned counsel appearing for the respondents would oppose the submission made by learned counsel for the petitioner.

(4) After hearing the learned counsel appearing for the parties, I

do not find any perversity or illegality in the impugned order passed by the appellate court which would warrant exercise of jurisdiction under Article 227 of the Constitution of India. Since the suit was filed on 06.10.2008, therefore, it would be expedient to direct the trial Court to consider and dispose of the trial of the suit expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

(5) Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

SD/-

(Sanjay K. Agrawal)
Judge

L/-