

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.8919 of 2017(O&M)
Date of Decision: 19.12.2017**

**Indian Oil Corporation Limited and anotherPetitioners
Vs
Manmohan Kirshan and anotherRespondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ashish Kapoor , Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

[1]. The only grievance of the petitioners is that the application under Order 39 Rules 1 and 2 CPC filed in the Civil Suit No.2592 of 2017 titled Manmohan Krishan and another Vs. Indian Oil Corporation Limited has not been decided by the Civil Judge (Junior Division), Chandigarh despite last opportunity granted vide order dated 12.09.2016.

[2]. After finalization of proceedings arising under Section 9 of the Arbitration and Conciliation Act (for short 'the Act') i.e. petition under Section 9 of the Act, civil suit in question was filed for declaration on the alleged plea of violation of an agreement dated 31.12.2004 being against the principles of good conscience and fair play. Earlier petition under Section 9 of the Act was filed before the Appointment of Arbitrator in which respondents sought stay of operation of show cause notice

dated 28.10.2007 and termination of dealership dated 18.12.2007 till decision of the Arbitrator. Interim protection was also sought in the form of interim relief not to stop supply of petroleum products.

[3]. The application under Section 9 of the Act was allowed by the Additional District Judge vide order dated 25.07.2008. However, FAO No.2551 of 2008 was allowed by the High Court on 15.09.2010. SLP No.31520 of 2010 was dismissed by the Hon'ble Apex Court on 21.07.2014, however liberty was given to pursue the remedy of getting back the leased property from the petitioner.

[4]. Learned counsel for the petitioners contended that instead of resorting to aforesaid remedy of taking back the leased property from the petitioner, the present suit came to be filed in which application for interim relief was once considered on 25.11.2014 when order of *status quo* was passed, but thereafter, despite the observations of the trial Court on 12.09.2016, the application under Order 39 Rules 1 and 2 CPC has not been decided finally and the case is being adjourned in the manner as shown in the grounds of the revision petition. Petitioner has given the details of adjournments in para Nos.6, 7 and 11 of the grounds of revision petition.

[5]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing any notice to the

respondents as no order prejudicial to the interest of the parties is being passed.

[6]. At this stage, keeping in view the nature of controversy involved in the present revision petition, I deem it appropriate to decide the revision petition by directing the trial Court to decide the pending application under Order 39 Rules 1 and 2 CPC either on the date fixed i.e. 24.01.2018 or shortly thereafter, in accordance with law.

[7]. Disposed of.

19.12. 2017

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No