

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3704 of 2008(O&M)

Date of Decision:-13.07.2017

Evaluserve.com Pvt. Limited.

.....Appellant.

Versus

Mr. Paramjeev Singh Sethi.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Anupam Bansal, Advocate for the Appellant.

Mr. Abhishek Arora, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

Appellant is a Global Research Company known for its research bases services. The respondent was employed as a Sr. Business Analyst with the petitioner company from 01.07.2004 till 25.01.2007. The respondent had signed a non disclosure agreement dated 01.07.2004 apart from the employment contract of the same date. The respondent thereafter was employed with ARANCA a competitor of the petitioner-company and had started approaching the clients of the appellants leading to the appellants filing a petition under Section 9 of the Arbitration & Conciliation Act, 1996 for injunction as also initiate arbitration proceedings in terms of the previous employment contract.

The learned Additional District Judge, Gurgaon vide impugned judgment dated 05.08.2008 dismissed the Section 9 petition for injunction

as prayer for personal service in the light of Section 27 of the Contract Act and Section 41 of the Specific Relief Act could not be enforced and the only remedy was to seek damages, if any.

At the time of hearing, learned Counsel for the appellant states that the present first appeal has become infructuous as the appellant has withdrawn even the arbitration proceedings initiated for seeking damages on 03.10.2012.

Learned Counsel for the respondent does not dispute the aforesaid fact.

In view of the above, nothing survives in the present first appeal and the same is hereby dismissed as infructuous.

(JASWANT SINGH)
JUDGE

July 13, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>