

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

**FAO No. 496 of 2016 (O&M)  
Date of Decision: 08.11.2017**

M/s Mac Weaves Pvt. Ltd., New Delhi

..... Appellant

***Versus***

M/s Frontier Vehicles Pvt. Ltd., Gurgaon

..... Respondent

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

Present: Mr. Manoj Bajaj, Advocate  
for the appellant.

Mr. Rajiv Kumar Saini, Advocate  
for the respondent.

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**JASWANT SINGH, J. (ORAL)**

Appellant (M/s Mac Weaves Pvt. Ltd.) had entered into a Lease Deed dated 16.10.2014 with the respondent (M/s Frontier Vehicles Pvt. Ltd.) for leasing out their premises at Gurgaon for a work-shop for repair, maintenance and other ancillary works of the vehicles to be undertaken by the respondent. Due to non-grant of necessary approvals by the Department of Town and Country Planning, Haryana, the possession could not be handed over. The respondent filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking to restrain the appellant-defendant from leasing out the premises to any third party. The said application was allowed vide impugned order dated 17.11.2015 passed by learned Additional District Judge, Gurgaon. Hence the present appeal.

In view of the arguments made by counsel for the appellant that relief could only be claimed in terms of the lease deed and, therefore, no restraining order could be legally passed, this Court stayed the operation of the impugned order.

At the time of hearing, learned counsel for the appellant submits that the present appeal has become infructuous as the possession of the lease premises have since been handed over to the respondent and the arbitration proceedings invoked by the respondent are also in the process of being disposed off in view of compromise.

Learned counsel for the respondent also concedes the aforesaid factual position.

In view of above, present appeal stands dismissed as infructuous.

**November 08, 2017**

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**( JASWANT SINGH )  
JUDGE**

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| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |