

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

CR No.3998 of 1999

Date of Order: 28.02.2018

M/s Sanjay Seeds & Chemical

....Petitioner

Versus

Market Committee, Ellenabad

....Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. K.K. Gupta, Advocate for the respondent.

AMIT RAWAL, J (ORAL)

This revision is directed against the order dated 12.8.1999 passed by the learned Addl. District Judge, Sirsa whereby the appeal filed by the petitioner against the order dated 26.3.1999 passed by Civil Judge (Sr. Divn.), Sirsa, dismissing the application under Order 39 Rules 1 & 2 CPC, has been dismissed.

Petitioner-plaintiff filed a suit for declaration challenged show cause notice issued by the defendant being wrong and illegal and against the mandatory provisions of the Punjab Agri, Produce Markets Act, 1961 with consequential relief of permanent injunction restraining the defendant from levying/recovering market fees. Aforesaid suit was accompanied by an application under Order 39 Rules 1 & 2 CPC. The trial Court declined the injunction application and the appeal filed against the same has also been dismissed.

This Court while issuing notice of motion on 20.8.1999 had

stayed the recovery of market fees on the items. Order dated 20.8.1999 reads as under:

“Learned counsel contends that the petitioner's firm is dealing in the manufacturing of certified cotton seeds and ginned cotton which items are exempted from levy of market fees under Notification dated 21.1.1994 issued by the Haryana Govt. (department of Agriculture).

Notice of motion to the respondent for 14.9.1999.

Till then recovery of market fees on these items is stayed.”

This revision petition was admitted by this Court vide order dated 19.12.2000 on the ground that the same was to be taken up with CWP No.3826 of 1996. It is also apparent from the order dated 24.7.2014 that CWP No.3826 of 1996 has also been dismissed on 19.9.2005.

Learned counsel appearing for the petitioner on instructions from his client pointed out that the suit was adjourned sine die but no order has been placed on record in this regard.

Learned counsel for the respondent submitted that the order under challenge does not call for any interference and the same is perfectly justified.

I have heard learned counsel for the parties and appraised the paper book.

Without commenting upon merits of the case and taking into account the statement made by learned counsel for the petitioner that the suit is adjourned sine die, this petition is disposed of with a direction to the trial Court to decide the suit within a period of six months from the date of receipt of certified copy of the order.

Interim order shall continue to exist till the decision of the suit.

February 28, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No