

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

Sr. No.109+209

C.M. No.25041-CII of 2018 in/and
C.R. No.4794 of 2018 (O&M)
Date of decision: 20.11.2018

Parteek Kumar alias Snappy and another Petitioners

versus

M/s Hype Digital Entertainment Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vijay Lath, Advocate
 for the petitioners.

 Mr. Suveer Sheokan, Advocate
 for the respondent.

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DEEPAK SIBAL, J. (Oral)

Petitioner No.1, is a Music Director and Petitioner No.2, a Lyricist. They entered into separate agreements with the respondent to collaborate with them for producing songs. On a dispute having arisen between the parties with regard to the aforesaid agreements between them, a civil suit was preferred by the respondent seeking therein to restrain the petitioners from working/performing/doing their respective work with other companies/firms/individuals as according to it, such work by the petitioners would be in violation of their agreements with the respondent.

On being put to notice, the petitioners appeared before the Trial Court and filed an application under Section 8 of the Arbitration and

Conciliation Act 1996 (for short – the Act). According to them, in terms of Clauses 10 and 11 of the respective agreements between the parties, the Civil Court had no jurisdiction as the disputes between them could only be settled through arbitration. The Trial Court agreed with the afore contentions of the petitioners and accordingly the disputes between the parties were directed to be settled through arbitration. However, in the interregnum, the Trial Court enjoined the petitioners from working/performing their respective work in contravention with the terms of their respective agreements entered into by them with the respondent. Such restraint order by the Trial Court is the subject matter of challenge before this Court.

On 30.07.2018, this Court had issued notice in the main petition and in the meanwhile granted stay of the impugned interim directions issued by the Trial Court. However, it was clarified that if any interim directions are sought by either party in the arbitration proceedings to be initiated between them, such prayer made by either party would be considered in accordance with law. In pursuance to the notice issued by this Court, Mr. Suveer Sheokand, Advocate, has appeared on behalf of the respondent. He admits that the interim directions given by the Trial Court were beyond its jurisdiction and therefore, the same be set aside especially for the reason that the respondent has already filed an application under Section 9 of the Act in the Court of the District Judge, SAS Nagar, Mohali seeking interim protection.

After hearing learned counsel for the parties, the impugned interim directions issued by the Trial Court with regard to restraining the

(DEEPAK SIBAL)
JUDGE

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I attest to the accuracy and
integrity of this document
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