

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

CR No.5640 of 2017 (O&M)

Date of decision : January 25, 2018

M/s Sh. Krishna Trading Company

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rakesh Nagpal, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present revision petition is the order dated 27.01.2017 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Kurukshetra, vide which application filed by the present petitioner under Order 39, Rules 1 and 2 CPC was dismissed. The said order was affirmed in appeal by learned Addl. District Judge, Kurukshetra, vide judgment dated 06.03.2017 (Annexure P-6). Both the courts below refused to issue temporary injunction for restraining the defendants-respondents from forcibly effecting recovery from the plaintiff-petitioner.

It comes out that some paddy was entrusted by the defendant-department to the plaintiff-petitioner for milling. It comes out that some dispute arose and an FIR was registered against the plaintiff-petitioner by the respondent-department. The plaintiff-petitioner instituted a suit for declaration, injunction and rendition of accounts. He sought temporary injunction for restraining the defendants-respondents from forcibly effecting

recovery from him. It is not denied that there is arbitration clause between the parties. The defendants-respondents have lodged an FIR with the police for mis-appropriation of the paddy. It has not been specified as to which forcible means are being used to effect the recovery. The defendants-respondents can always take recourse to the law to effect recovery. Therefore, such injunction was rightly declined by both the courts below.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

January 25, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No