

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

**CM-16646-C-2017 in/and
RSA-6437-2017**

Date of decision : 23.05.2018

M/S RICHA INDUSTRIES LTD.

..... PETITIONER

VS

M/S HEATEX ENGINEERING COMPANY

..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Balkar Singh, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

CM-16646-C-2017

This is an application seeking condonation of delay of 87 days in filing the accompanying appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. Consequently, delay of 87 days in filing the appeal is condoned.

CM stands disposed of.

RSA-6437-2017

The appellant is aggrieved of the concurrent findings of the Courts below whereby its suit for mandatory injunction for recovery of an amount of Rs. 8, 40,000/- has been dismissed.

Learned counsel for the appellant-plaintiff submits that the Courts below have erroneously dismissed the suit for the defendant had admitted the liability for the payment of the amount and they had encashed the cheque in their account. Therefore, there was need for filing the suit for

mandatory injunction.

As per the provisions of Section 7 of The Court Fees Act , 1870 for recovery of amount the plaintiff is required to pay the court fee. In the absence of claiming the direct relief, the parties cannot be heard. There was no breach of obligation on part of the defendant.

No ground is made out to interfere with the findings of the Courts below.

Appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

23.05.2018
sunita

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