

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 75 of 2019

- Star Alloys and Chemicals Private Limited Plot No. 68, 69 and 70, Industrial Area, Rajgamar, Road Korba, District Korba, 495, 677, Chhattisgarh, Through Director, vimal Kohli, S/o Late G D Kohli, aged about 54 Years, R/o House No. A 21, SS Green Colony, DDm School Road, Korba, Chhattisgarh.

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Versus

- M/s Shiva Industries, through Its Proprietor S.R. Agrawal, having Its Registered Office At Plot No. 72 And 79 Industrial Area Rajgamar Road, Korba, District Korba, Chhattisgarh.

---- Respondent

For the appellant	:-	Mr. Shivang Dubey, Advocate
For the Respondent	:-	Ms. Aditi Singhvi, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.
05.11.2019

Heard.

1. This appeal is directed against order dated 22.06.2019 passed by the Commercial Court in the matter of application for grant of temporary injunction filed by the appellant/plaintiff. A dispute arose between the appellant/plaintiff and respondent/defendant in the matter of payment towards alleged supply of raw materials made by the plaintiff to defendant at different point of time. According to the plaintiff, though a part payment has been made, the defendant did not pay Rs.6,68,70,585.

In the pending suit, the appellant moved an application for grant of temporary injunction seeking a direction that defendants

be restrained from operating/alienating amount of Rs.6,68,70,585 from their bank account until disposal of the suit.

The learned Court below upon consideration of the application, rejected the same giving rise to this appeal.

2. In this appeal during the course of the argument, learned counsel for the appellant would submit that at present, the appellant is not insisting for specific direction to restrain defendant from operating bank account but it is apprehending that defendants may alienate their assets and, therefore, appropriate direction may be issued restraining defendants from alienating their assets.

3. Learned counsel appearing for the respondent submits that at present, defendants have not taken any steps for alienation of any of their assets.

4. In view of the submission, which have been before this Court and learned counsel for the appellant submits that at present he does not wish to further press his appeal, however he may be given liberty to revive his application for temporary injunction at appropriate stage if the defendants take any steps towards disposal of their assets, no further order are required to be passed.

With the liberty as prayed for this appeal is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge