

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

Sr. No.264-2

CR No.2533 of 2017 (O&M)

Date of decision: 28.08.2019

M/s Gupta Traders

....Petitioner

versus

The Haryana State Cooperative Supplies and Marketing Federation Limited
and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aalok Jagga, Advocate
for the petitioner.

Mr. Ashish Yadav, Advocate
for respondent No.1.

Mr. Puneet Jain, Advocate for
Mr. Rakesh Gupta, Advocate
for respondent No.2-SBI.

* * *

DEEPAK SIBAL, J. (Oral)

The petitioner filed a suit seeking therein to restrain respondent No.1-The Haryana State Cooperative Supplies and Marketing Federation Limited (for short – the Federation) from interfering in the smooth running of the petitioner's business. On being put to notice, the respondent-Federation appeared before the Trial Court and disputed the petitioner's claim. It also filed a counter-claim. The grounds on which the petitioner filed his suit as also the case set up by the respondent-Federation in their defence/counter-claim being not relevant to dispose of the present petition are not being referred.

While the aforesaid suit was pending, the petitioner filed an application seeking permission of the Trial Court to dispose of the rice

which was lying in the business premises of the petitioner as its stock as according to the petitioner, till the time the petitioner's claim/respondent No.1's counter claim would be finally decided, the rice, being perishable in nature, would lose its value which would not be in the interest of either party.

The Trial Court dismissed the petitioner's application through the order which is under challenge in the present proceedings.

At the outset, Mr. Aalok Jagga, learned counsel appearing on behalf of the petitioner submits that in view of the fact that a similar/connected matter pertaining to the petitioner's sister concern is pending before the Debts Recovery Tribunal-II, Chandigarh (for short – the Tribunal) where the issue, which is the subject matter of the impugned order, has also been raised, he be permitted to withdraw the petitioner's main suit itself with liberty to approach the Tribunal and to take up all the pleas that he has raised in and in the course of his suit before the Tribunal.

Learned counsel for the respondents neither dispute the above submission nor have any objection to it being accepted.

After considering the above, the main suit filed by the petitioner is permitted to be withdrawn with liberty as prayed for.

Since the goods in question are perishable in nature, the Tribunal is directed to decide the issue with regard to its disposal within two months from the date of receipt of a certified copy of this order.

(DEEPAK SIBAL)
JUDGE

August 28, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No