

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2735 of 2019 (O&M)
Date of decision: 29.4.2019

M/s Solitaire Ventures Pvt. Ltd. & others

.. Petitioners

v.

M/s Vipul Ltd. and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Mukul Aggarwal, Advocate for the petitioners.

Mr. Aashish Chopra & Ms. Rupa Pathania, Advocates for
the caveators-respondents.

...

AVNEESH JHINGAN, J. (Oral)

Challenge in the present petition is to the order dated 12.4.2019 passed by Additional District Judge, Gurugram (hereinafter referred to as 'the Appellate Court') vide which the injunction granted by the Civil Judge (Junior Division), Gurugram (hereinafter referred to as 'Civil Court') on 25.5.2017 has been set aside and the Civil Court has been directed to decide the application under Section 8 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') within 20 days.

The parties are *ad idem* that the matter is fixed for 30.4.2019 for decision of the application filed under Section 8 of the Act

The only grievance raised by learned counsel for the petitioners is that while deciding the appeal against the injunction order, certain observations have been made by the Appellate Court which would affect the

decision of the application filed under Section 8 of the Act.

The contention raised is not well founded. The Civil Court will not take the observation if any made on merits of case as expression on merits of the case by the Appellate Court. The Civil Court shall decide the application under Section 8 of the Act in accordance with law without being influenced by any observation made by the Appellate Court while deciding the appeal against the injunction order.

Learned counsel for the caveators-respondents on instructions, states that the respondents will not alienate the land in dispute till the order is passed on the application filed under Section 8 of the Act.

Learned counsel for both the parties undertake that the application under Section 8 of the Act shall be argued tomorrow.

Considering the aforesaid facts, the Civil Court is directed that the matter shall be heard tomorrow and shall be decided within one week and the order will also be uploaded within the said period. It is clarified that this interim arrangement shall not be construed as an expression of opinion on the merits of the case.

The revision petition is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

29.4.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No