

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

CR-3286-2019 (O&M)

Date of decision : 17.5.2019

M/s RDV Media Pvt. Ltd

..... Petitioner

Versus

M/s Desh Sewak

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Devender Singh Thakur, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Impugned in the present revision petition is the order dated 10.4.2019 (Annexure P-10), passed by learned Additional District Judge, Chandigarh vide which petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of receiver to take control of the printing press and for monitoring the day to day functioning in order to prevent loss to the petitioner, was dismissed.

Learned counsel for the petitioner contends that there was a Memorandum of Understanding (MOU) dated 29.7.2016 between the parties under which the present petitioner had taken over the press of M/s Dev Sewak (an association of persons which was running newspapers in the name and style of *Desh Sewak*). It is also not denied that the MoU could be terminated with 30 days notice. The allegations are that without complying with the said conditions, MoU was terminated by the respondent and the control of the press was taken. He further contends that respondent has forcibly taken over the possession.

Learned counsel for the petitioner also does not deny that there was an arbitration clause in the MoU and he could avail the remedy by claiming the damages before the Arbitrator. However, no such remedy was availed.

I am of the view that at the most, allegations are that the terms and conditions of MoU are violated for which the petitioner had an independent remedy. However, there is no ground to appoint a receiver so as to take control over the entire printing press which is running a newspaper namely *Desh Sewak*.

It being so, I do not find any illegality and infirmity in the impugned order dated 10.4.2019 (Annexure P-10), passed by learned Additional District Judge, Chandigarh.

Dismissed.

(KULDIP SINGH)
JUDGE

17.5.2019
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No