

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

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**CM-19165-CII-2019 in/and
CR-5365-2019(O&M)**

Date of Decision : September 26, 2019

GRAM PANCHAYAT VILLAGE BENRA

.....Petitioner

VERSUS

M/S LUDHIANA SANGRUR INFRA ROAD PRIVATE LIMITED AND
OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Harsh Goyal, Advocate for the petitioner.
Mr. C.S.Bakshi, Advocate for respondent No.1.

NIRMALJIT KAUR, J. (Oral)

The present revision petition is filed for setting aside the order dated 31.5.2019 passed by the District Judge, Sangrur vide which the learned District Judge, Sangrur granted interim injunction under Section 9 of the Arbitration and Conciliation Act, 1996 restraining the respondents in the said suit from interfering in the setting up of the temporary toll plaza in the parallel competing road so as to avoid evasion of collection of toll.

While issuing notice of motion on 3.9.2019, this Court stayed the effect and operation of the said impugned order.

Today, the matter is listed on an application moved by applicant-respondent No.1, who is the plaintiff in Arbitration Case No. 33 of 2019 titled as M/s Ludhiana Sangrur Infra Road Pvt. Ltd. Vs. State of Punjab and others in which the impugned order dated 31.5.2019 was passed. Praying for vacation of the interim order passed by this Court on 3.9.2019 through the present application, it has been brought to the notice of this Court that the petitioner-Gram Panchayat filed Civil Suit No. 374 of 2019 in the Court of learned Additional Civil Judge (Senior Division), Dhuri for

seeking the same relief as prayed herein alongwith an application under Order 39 Rule 1 and 2 CPC. The said suit and application are still pending. Failing to get any relief in the said suit, the present petitioner-Gram Panchayat herein filed an application under Order 1 Rule 10 CPC in the Arbitration Case No. 33 of 2019 filed by the respondent-applicant. The said application is still pending and the petitioner without getting a decision in the same or in the application filed by it in its own suit No. 374 of 2019 has filed the present revision petition seeking the same relief and that too without disclosing the above facts. It is, therefore, apparent that the petitioner has tried to overreach this Court by concealing material facts. It has adopted two separate remedies qua the same relief and the second remedy was adopted after it failed to get any relief in the previous remedy adopted by it. In any case, the relief as sought herein is still the subject matter before the trial Court.

It is admitted that there is no mention of any word in the present revision qua the suit filed by the petitioner-Gram Panchayat in which the same relief as sought here has been prayed for.

The present revision petition is, accordingly, dismissed with costs of Rs.50,000/-.

September 26, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No