

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

TA-890-2018

Date of decision:-14.1.2019

M/s Bharat Pesticides and Beej Bhandar and another

...Applicants

Versus

Gharda Chemicals Limited

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Dheeraj Narula, Advocate
for the applicant.

Mr.Arun Chandra, Advocate
for the respondent.

H.S. MADAAN, J.(ORAL)

Facts of the case, in brief, are that respondent Gharda Chemicals Limited with its registered office at Mumbai and Regional Office for the State of Haryana at Karnal has been a manufacturer of pesticides. Applicant M/s Bharat Pesticides and Beej Bhandar and another, a proprietary concern of Sh.Swaran Singh at Sirsa has been purchasing pesticides from the respondent in terms of agreement. A dispute arose between them. The applicants have filed a suit for

rendition of account and mandatory injunction against the respondent, which is pending in the Court at Sirsa, whereas respondent has also filed a civil suit for recovery against the applicants, which is pending before Civil Judge (Jr.Divn.), Karnal. The respondent has filed a criminal complaint under Section 138 of the Negotiable Instruments Act against the present applicants, which is pending in the Court at Karnal. The applicants M/s Bharat Pesticides and Beej Bhandar and another have approached this Court seeking transfer of civil suit filed by respondent against them pending in the Court at Karnal to the Court at Sirsa where the civil suit filed by the applicants against respondent is pending so that the two suits can be tried together. This request is being opposed by the respondent.

I have heard learned counsel for the parties besides going through the record and also perused the citation *M/s Chitivalasa Jute Mills Versus M/s Jaypee Rewa Cement, 2004(2) RCR(Civil) 108* referred to by learned counsel for the applicant.

I find that there is no merit in the application. The respondent has filed a suit for recovery against the present applicants, whereas present applicants have filed a suit for rendition of accounts and mandatory injunction; that the nature of both the suits is different; that both the suits are also stated to be on different stages of hearing; that a criminal complaint under Section 138 of Negotiable Instruments Act filed by the respondent against the applicants is stated to be pending in the Court at Karnal. Therefore, in my considered view, no ground for transfer of civil suit for recovery filed by respondent against the applicants to the Court at Sirsa is made out. As regards the authority

referred to by learned counsel for the applicant, the same does not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Thus finding no merit in the application, the same stands dismissed.

14.1.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No