

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

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**CR-1239 of 2020 (O&M)
Date of decision: 19.12.2022**

M/s K.B.Industries

..Petitioner

Versus

M/s Venture Supply Chain Pvt. Ltd. and others

..Respondents

CR-1092 of 2020 (O&M)

M/s K.B.Industries

..Petitioner

Versus

M/s Venture Supply Chain Pvt. Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Charanjit Singh Bakhshi, Advocate and
Mr. Anshul Sharma, Advocate
for the petitioner(s)

Mr. Vishal Garg Narwana, Advocate
Mr. Vasu Ranjan Shandilya, Advocate
Mr. Sagar Sharma, Advocate
Mr. Eashan Bhardwaj, Advocate, for respondent no.1 to 6.

Mr. Vijiyesh Malhotra, Advocate, for respondent no.8

ANIL KSHETARPAL, J(Oral)

1. Civil Revision No.1092 and 1239 of 2020 have come up for the final disposal.

2. In Civil Revision No.1239 of 2020, the correctness of order passed by the trial Court directing the plaintiff to deliver 10 trucks to the defendants has been assailed. In Civil Revision No.1092 of 2020, the correctness of order passed by the Court under Order XXXVIII Rule 5 CPC has been questioned.

3. The relevant facts, in brief, are required to be noticed.
4. The defendants after purchasing the trucks handed over the same to the plaintiff for the manufacturing/fabricating of their bodies. The dispute is with regard to the recovery of the job work carried out by the plaintiff.
5. On the other hand, the defendants claim that there was delay in manufacturing/fabricating the bodies on the aforesaid trucks and therefore, they are entitled to damages. The defendants have also filed a counter claim for Rs.2,50,00,000/-.
6. The trial court has directed the plaintiff to hand over the trucks to the defendants.
7. After having argued the case at sufficient length, the learned counsels representing the parties have come to a consensus.

- (1) The defendant i.e. M/s Venture Supply Chain Pvt. Ltd. will deposit FD receipts of Rs.70,00,000/- in favour of the Court towards security of the fabrication charges.
- (2) The plaintiff, on deposit of the aforesaid FD receipts in the Court, will deliver 10 trucks to the defendant i.e. M/s Venture Supply Chain Pvt. Ltd. within one week thereafter.

8. In view of the aforesaid agreed terms, the revision petitions are disposed of.
9. All the pending miscellaneous applications, if any, are also disposed of.

December 19, 2022
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(ANIL KSHETARPAL)
JUDGE

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