

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

1.

**FAO-COM-13-2022
Decided on : 14.06.2022**

St. Patricks Realty Pvt. Ltd.

.....Appellant(s)

Versus

Dharampal and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JASJIT SINGH BEDI**

Present: Mr. Gopal Soni, Advocate for
Mr. A.K. Jindal, Advocate for the appellant.

G.S. Sandhawalia, J. (Oral)

Challenge in the present appeal is to the order dated 26.05.2022 passed by the Additional District Judge-cum-Presiding Judge, Exclusive Commercial Court, Gurugram. A perusal of the said order would go on to show that the appellant was not served and, therefore, summons were issued on furnishing of correct address for 02.08.2022. To protect the interests of the parties an interim order was passed directing the Sub-Registrar/Tehsildar, Sohna not to register the sale deeds. The said order reads as under:-

“Summons issued to defendant No.1 received back unserved with the report that respondent No.1 is no more available at the given address and some other company is functioning therefrom.

As such, an application for permission for additional address of respondent No.1 alongwith amended title has been filed.

Application is allowed as prayed for.

Now fresh summons to defendant No.1 on its correct address furnished today be issued for 02.08.2022.

Sh.Baljeet Singh, GP along with Sh.Naresh Kumar, JE has appeared on behalf of defendants No.2 to 7 and seeks time to file written statement and reply to injunction application.

Be filed on date fixed.

Learned counsel for plaintiffs submits that defendant No.1 is selling plots to third parties in violation of clause 8.1 of the Collaboration Agreement, and therefore, he makes a prayer for restraining defendant No.5 Sub Registrar/Tehsildar, Sohna from going ahead with the registration of sale deeds qua the plots part and parcel of project namely Central Park Flower Valley within the revenue estate of Village Dhunela & Berka, Tehsil Sohna, Gurugram.

Till next date of hearing, defendant No.5 Sub Registrar/Tehsildar, Sohna shall not register the sale deeds qua plots pertaining to above named project.”

In such circumstances, we are of the considered opinion that it is always open to the appellant to file an appropriate application before the Court concerned for the redressal of the grievances.

Accordingly, the present appeal is dismissed with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

June 14, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No