

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6131 of 2019 (O&M)

Date of Decision: 06.05.2022

Mahesh Kumar

... Petitioner(s)

Versus

Superintending Engineer, Public Works Department (Building and Roads),

Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Tushar Gautam, Advocate
for the petitioner(s).

Mr. Harsh Vardhan, Assistant Advocate General,
Haryana, for the respondent No.1 to 3.

Mr. Puneet Kakkar, Advocate
for the respondent No.5.

Anil Kshetarpal, J.

1. The petitioner's plaint has been ordered to be returned for presentation before the appropriate Court in view of the arbitration clause in the agreement. The petitioner is a contractor and his contract was terminated by the respondent. Thereafter, he filed a suit with the following prayer:

“It is therefore prayed to this Hon’ble Court that a decree for permanent injunction restraining the defendants from releasing the tender for construction work of Road Ujina to Sanghel via Jajuka from KM 0.00 to 5.80 in Nuh District Nuh on 8.6.2018 to any other person except the plaintiff in any manner kindly be passed in favour of the plaintiff and against

the defendants in the interest of justice with cost of the suit.

And/or any other relief which this Hon'ble court deems fit and proper may also be awarded in favour of the plaintiffs, in the larger interest of justice”.

2. The learned counsel representing the parties are *ad idem* that the work has been completed by another contractor i.e. respondent No.4.
3. In such circumstances, the suit filed by the plaintiff, itself, has been rendered infructuous.
4. The learned counsel representing the petitioner contends that there was no arbitration clause in the agreement.
5. Be that as it may. When the nature of relief sought in the suit cannot be granted in view of the subsequent development, no useful purpose will be served to decide the revision petition, on merits.
6. The petitioner shall have liberty to take recourse to the alternative remedy.
7. With the observations made above, the present revision petition is disposed of.
8. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

May 06, 2022
“DK”

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