

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2824 of 2019****Date of Decision: 11.12.2023**

Hindustan Petroleum Corporation Limited and Another

... Petitioner(s)

Versus

Arvind Goyat and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Raman Sharma, Advocate
for the petitioner(s).Mr. Manoj Chahal, Advocate
for the respondents.**Anil Kshetarpal, J.**

1. A Public Sector Undertaking has filed the present revision petition to challenge the correctness of the order passed by the trial Court while dismissing its application under order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”).

2. The relevant facts, in brief, are required to be noticed. The respondent (plaintiff) as well as the proforma respondent are alleged to be running a Fuel Station while marketing the products of the petitioner herein. On 08.09.2017, a show cause notice was issued by the petitioner-company alleging that Kuldeep Singh is employed as PGT (Political Science) Teacher in the Government Senior Secondary School, Igrah, District Jind. A reply to the show cause notice was submitted by the plaintiff. It is the case of the plaintiff that thereafter, the supply of the fuel was stopped forcing the plaintiff to file a suit for the grant of decree of permanent injunction. As already noticed, the petitioner filed an application under Order VII Rule 11 CPC, which was dismissed.

Civil Revision No. 2824 of 2019

with their able assistance perused the paper-book.

4. The learned counsel representing the petitioners submits that the suit for permanent injunction was not maintainable as no final order has been passed by the petitioner-Corporation. He submits that till the final order is passed, the plaintiff has no jurisdiction to maintain the suit.

5. On the other hand, the learned counsel representing the plaintiff submits that the plaintiff was being threatened to stop the supply of the fuel.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. It would be noticed here that a suit for the grant of prohibitory injunction is maintainable if there is a likelihood of causing an injury to the plaintiff. Admittedly, the petitioner-Corporation has not passed any final order for the last four years.

8. At this stage, the learned counsel representing the petitioners submits that the officers of the petitioner-Corporation are not passing the order because of the pendency of the suit. This Court has considered the submissions. On a court question, the learned counsel representing the petitioners admits that the petitioners have no knowledge of any order passed by the Civil Court restraining the petitioners from passing the order.

9. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order passed by the trial Court. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

December 11, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No