

2023:PHHC:151351

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-7154-2023 (O&M)
Date of Decision:-29.11.2023

Sujinder Singh and another ... Petitioners

Versus

Monika @ Monica and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Sodhi, Advocate for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners Sujinder Singh and Gagandeep Singh are related being father and son. While respondent No.1 – Monika @ Monica is wife of petitioner No.1 – Sujinder Singh, respondent No.2 – Richa is daughter of petitioner No.1. All four of them are partners in a business being run under the name and style of 'M/s Velveeta Banquets'. A dispute having arisen amongst the partners, a petition i.e. ARB-96-2023 under Section 11(6) of Arbitration and Conciliation Act (hereinafter referred to as '*the Act*') for appointment of an Arbitrator was filed in this Court, which is still pending.
2. The respondents had approached the Court of learned Additional District Judge, Amritsar by way of filing a petition under Section 9 of the Act, wherein a prayer has been made for appointment of a receiver. It may here be

mentioned that during the pendency of petition under Section 9 of the Act before the Court of learned Additional District Judge, Amritsar, the petitioners had moved an application under Order 7 Rule 11 CPC, which was dismissed vide order dated 4.8.2023 (Annexure P-6) leading to filing of Civil Revision No.4934-2023 (Annexure P-7) by the petitioners, wherein this Court, while issuing notice of motion, passed the following order on 28.8.2023:

“Notice of motion for 18.1.2024.

To be heard along with CR-4716-2023.

Interim order in same terms as was passed in CR-4716-2023.”

3. The order passed in Civil Revision No.4716-2023 (Annexure P-8) on 21.8.2023 is also reproduced hereinunder:

“Notice of motion for 18.1.2024.

It shall be open to the petitioner to serve the respondents by *dasti* process as well.

Proceedings before the trial Court shall be subject to outcome of the instant petition.”

4. During the pendency of petition under Section 9 of the Act, the petitioners filed an application dated 11.10.2023 (Annexure P-10) for deferring the hearing of arguments in the petition under Section 9 of the Act. The said application was dismissed vide order dated 21.11.2023 (Annexure P-11), which has been impugned in the present case.
5. Learned counsel representing the petitioners submitted that the Court of learned Additional District Judge, Amritsar is now proceeding hurriedly to dispose of the petition under Section 9 of the Act, whereas this Court vide order dated 21.8.2023 passed in Civil Revision No.4716-2023 had clarified

that the proceedings of the said Court would be subject to outcome of the revision petition. It has been submitted that in case the petition under Section 9 of the Act is disposed of before decision of the said revision petition, the revision petition would be rendered infructuous.

6. This Court has considered the aforesaid submissions addressed before this Court.
7. Having regard to the fact that the main relief claimed in the petition under Section 9 of the Act pertains to appointment of a receiver in respect of business of a partnership, this Court is of the opinion that it is not a case where it could be said that any irreparable loss would be caused by decision of application for appointment of a receiver.
8. In view of the aforestated position, this Court does not find any infirmity in the impugned order and the same is hereby upheld. Finding no merit in the instant petition and the same is hereby dismissed.

29.11.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No