

**Daily Lok Adalat****Bench No.4**

502

RSA-3932-2001 (O&M)**M/S BHAGWATI STRIPS PRIVATE LIMITED, JAGADHRI,
YAMUNANAGAR V/S HARYANA FINANCIAL CORPORATION
YAMUNANAGAR AND ANR.**

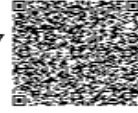
Present:- Mr. Nischal Chetanya Manchanda, Advocate for
Mr. Jagdish Manchanda, Advocate
for the appellant.

Mr. Kanueralpal Singh Gill, Advocate for
Mr. Dheeraj Chawla, Advocate
for respondents No.1 & 2.

The appellant filed a suit for mandatory injunction directing the defendants to release the remaining amount of financial assistance (loan) as per agreement dated 18.10.1995 executed by the plaintiff in favour of the defendants, on the basis of the sanction order No.HFC/APP/95/8070 dated 7.3.1955 for a sum of Rs.82 lacs and for permanent injunction restraining the defendants from taking any action for the closure or for taking over the possession of the unit of the plaintiff under Section 29 of the Haryana Financial Corporation Act, 1951.

The suit was decreed on 28.08.2000. The respondents went in appeal, which was allowed vide order dated 15.09.2001. Finding given by the trial Judge were reversed and the suit was dismissed. Appellant filed this appeal bearing RSA-3932-2001, wherein, notice of motion was issued on 28.09.2001. The operation of the judgment and decree of the lower Appellate Court was stayed till further orders. After hearing both the parties, the appeal was admitted on 21.12.2001 and interim order dated 28.09.2001 was ordered to continue till further orders.

When this matter was put up before this Bench of Daily Lok Adalat, notice was issued to both the parties to appear in person. Both the parties came



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adjourned to 12.07.2024, on which date, Mr. Nischal Chetanya Manchanda, Advocate placed on record memo of appearance and on his request, matter was adjourned to 19.07.2024. He put in appearance on 02.08.2024 and on his request, matter was adjourned for today.

Mr. Kanuerpal Singh Gill, Advocate has put in appearance on behalf of the respondents No.1 and 2. He has placed on record copy of an order passed by Hon'ble Supreme Court of India dated 13.01.2003. A reading thereof indicates that against interim stay order granted by this Court, the respondents went to the Hon'ble Supreme Court by way of SLP, wherein the following order was passed on 13.01.2003:-

“Leave granted.

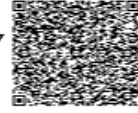
A Suit was filed by the respondent against the appellant inter alia for release of financial assistance and for stay of recovery proceedings. The suit was decreed. Aggrieved thereby the appellant preferred a first appeal before the Additional District Judge which was allowed.

The respondent then preferred a second appeal before the High Court. The High Court stayed the order of the first appellate court in these proceedings: (1) without formulating a substantial question of law and (2) without giving any reason whatsoever for having stayed the order of the first appellate court.

We therefore, set aside the order of the High Court and remand the matter back to it for passing an order on the appeal filed by the appellant after framing a substantial question of law and giving reasons if it desires to stay the order of the first appellate court.

The appeal is accordingly disposed of. There shall be no order as to costs.”

It is stated by Mr. Kanuerpal Singh Gill, Advocate that that after the

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property was taken into possession and it was disposed of as per norms. He further states that a fresh order was passed by the High Court of Punjab and Haryana on 25.02.2005, wherein the stay was declined, noting that the appellant was not interested in paying back even the principal amount to the respondents and only wanted to delay the matter. Mr. Kanueralpal Singh Gill, Advocate further states that, whether the appellant challenged this order anywhere, is not to the knowledge of the respondents. He further states that as on today, nothing requires to be recovered by the respondents from the appellant. He states that the appeal has become infructuous.

From the position explained above, it appears that the appeal has become infructuous and requires to be disposed of.

Accordingly, this appeal is ordered to be consigned to the record room and deemed to have been disposed of with liberty to the appellant to get it revived as and when so desired.

(JASBIR SINGH)
PRESIDENT

(B.C. GUPTA)
MEMBER

27.08.2024
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