



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(5)

FAO-COM-16-2025

Date of Decision: 04.09.2025

Piccadily Agro Industries Limited

....Appellant

Versus

Radico Khaitan Limited

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Puneet Bali, Senior Advocate with
Mr. Amandeep Singh, Advocate; Mr. Ajay Sahni, Advocate and
Mr. Abhishek Sharma, Advocate for the appellant.

Mr. Rajiv Atma Ram, Senior Advocate and
Mr. Akshay Bhan, Senior Advocate with
Mr. Arman Talwar, Advocate; Mr. Harsh Gupta, Advocate
Mr. Badri Narayan, Advocate; Mr. G.S.Kanwar, Advocate
Mr. Dyal Singh Garcha, Advocate and
Mr. Ritvik Sharma, Advocate for the respondent.

Harsimran Singh Sethi, J. (Oral)

1. The present appeal has been filed against the order dated 26.08.2025 in Commercial Suit No.8 of 2025 titled *Piccadily Agro Industries Limited vs. Radico Khaitan Limited*, raising a grievance that the appellant herein was entitled for the ad-interim injunction, which was not granted by the Additional District and Sessions Judge, Karnal, which is causing prejudice to the appellant.

2. Learned Senior Counsel appearing for the appellant submits that even a single day delay causes huge financial loss to the appellant keeping in



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view the facts and circumstances brought to the notice of the Court, which has not been considered by the Additional District and Sessions Judge, Karnal, while passing an order that “*At this stage, no case is made for ad interim injunction*”.

3. Learned Senior Counsel for the appellant further submits that neither the ad interim injunction was granted nor a short adjournment was given, which is also a cause of concern qua the appellant before this Court especially when no reasons have been assigned by the District and Sessions Court for declining the ad interim injunction as prayed by the appellant herein.

4. On advance notice, learned Senior Counsel appearing on behalf of the respondent submits that they have a right to file the reply to the averments made in the commercial suit as well as in the application filed under Order 39 Rules 1 and 2 CPC and keeping in view the facts which will come before the Court upto that stage, then only, the Court can ascertain whether, any *prima facie* case is made out for the grant of ad interim injunction or, balance of convenience lies in favour of the plaintiff or the defendant.

5. Learned Senior Counsel for the respondent further submits that though three weeks time was given to complete the pleadings, the said three weeks will be completed on 17.09.2025 but they have no objection to curtail the said period and they will file the reply to the application filed under Order 39 Rules 1 and 2 CPC by **12.09.2025**.

6. Learned Senior Counsel appearing on behalf of the appellant submits that they will file the replication, in case needed, by **15.09.2025**.

7. Keeping in view the said agreement between the learned counsel



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for the parties, the hearing of the main case, which now stands adjourned to 30.09.2025, stands preponed to **17.09.2025** for addressing arguments on application filed under Order 39 Rules 1 and 2 CPC.

8. After hearing the arguments, the Court will be at liberty to pass final order on application filed under Order 39 Rules 1 and 2 CPC and even if the case needs to be adjourned, the Court will be at liberty to decide whether, the ad-interim injunction needs to be granted or not. While granting the relief, Court will give due reasons for arriving at the conclusion.

9. It is made clear that this Court is not expressing any opinion on the merits of the case, which will be decided by the Court while hearing the arguments coupled based upon the pleadings brought on record.

10. Further, the respondent will be at liberty to file a detailed reply to the commercial suit filed by the appellant. This order only relates to the disposal of the application filed under Order 39 Rules 1 and 2 CPC expeditiously so that no prejudice is caused to either of the parties.

11.. With the above observation, by the above mentioned consented order, the present appeal is disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 04, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No