

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>02.11.2022</u>		<p>FA No. 187 of 2022</p> <p><u>Hon'ble Alok Kumar Verma, J.</u></p> <p>Heard Mr. Siddhartha Singh and Mr. Sandeep Kothari, learned counsel for the appellant-plaintiff, Mr. D.S. Mehta, learned counsel for the respondent no. 1 and Mr. Ravnit Malhotra, the learned counsel for the respondent no. 2.</p> <p>Objection(s) to the stay application, filed by the respondent no.1, is taken on record.</p> <p>During the arguments, Mr. Ravnit Malhotra, the learned counsel for the respondent, submitted that the resort-in-question was running by Late Mr. Surendra Bhatia, the father of the respondent no. 1, till 06.11.2001. After death of Mr. Surendra Bhatia, a Memorandum of Understanding/ Agreement was registered between the appellant and the respondents on 05.07.2014 and after the said agreement till the filing of the Original Suit, the appellant-plaintiff was running the said resort.</p> <p>Mr. Ravnit Malhotra, the learned counsel, further submitted that though the appellant-plaintiff was running the said resort, the appellant-plaintiff did not comply the conditions of the said Agreement dated 05.07.2014. He submitted that without seeking the relief for declaration, the Original Suit of the appellant-plaintiff for perpetual injunction is not maintainable. In support of his submissions, he has relied upon a judgment dated 25.03.2008 passed by the Hon'ble Supreme Court in Civil Appeal No. 6191 of 2001 and a judgment dated</p>

03.03.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 1382 of 2022.

On the other hand, Mr. Siddhartha Singh, the learned counsel for the appellant has relied upon a judgment of Hon'ble Supreme Court in "Mool Chand Yadav And Another vs. Raza Buland Sugar Company Limited and Another (1982) 3 SCC 484."

Learned counsel for both the parties requested for paper book.

This is an admitted First Appeal.

Having heard the learned counsel for the parties, it would be appropriate to hear the present First Appeal on merit and for the said purpose put up on 14.11.2022 at 03:00 p.m.

In the meantime, Registry is directed to prepare the paper books and supply the same to the learned counsel for the parties as per Rules.

(Alok Kumar Verma, J.)

02.11.2022

PN/-