
(2006) 01 P&H CK 0166
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3674 of 2004

Bhatinda and Others

APPELLANT

Vs

Cipla Limited

RESPONDENT

Date of Decision : 16-01-2006

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 10

Citation : (2006) 142 PLR 725

Hon'ble Judges : Hemant Gupta, J

Bench : Single Bench

Advocate : Mukund Gupta, for the Appellant; M.L. Sarin and Hemant Sarin, for the Respondent

Judgement

Hemant Gupta, J.—The defendants are in revision petition aggrieved against the order passed by the learned trial Court on 27.7.2004, whereby an application filed by the defendants for stay of the suit u/s 10 of the CPC was declined.

2. Admittedly, the plaintiff has filed separate suits for permanent injunction, restraining the defendants, their office bearers, agents, associates or supporters from interfering in the peaceful working of the plaintiff Company, its employees, officers and Managers at four different places i.e. Amritsar, Hoshiarpur, Ludhiana and Bathinda.

3. The defendant moved an application u/s 10 of the CPC for stay of the suit, inter alia on the ground that the plaintiff has filed another suit against defendant No. I at Amritsar. Similarly, another suit has been filed against defendant No. I at Ludhiana, therefore, it was prayed that the present suit be stayed.

4. It has been found the learned trial Court that the suit has been filed at Bathinda in respect of obstructions caused by the defendants at Bathinda and will have no effect on the other civil suits filed. It was found that each of the suit has been filed on different cause of action. Thus, the suit cannot be stayed, u/s 10 of the Code of Civil Procedure,

5. I find that since the issue raised in all the four suits is common and sought by the same plaintiff almost in similar circumstances and against the separate Branches of same defendant, it would be in the interest of justice if all the suits are decided together which will cut down the responsibility of leading the same evidence again and to avoid possibilities of contradictory findings and also keeping in view the convenience of the parties,

6. Learned Counsel for the parties have no objection if all the suits are transferred to the Civil Courts at Ropar.

7. In view, thereof, Civil Suit No.527 of 2002 titled as Cipla Ltd v, Punjab Medical Representatives Association and Ors. pending at Amritsar, Civil Suit No. 258 of 2002 titled as Cipla Ltd v. Punjab Medical. Representatives Association and Ors. pending at Ludhiana, Civil Suit No.245 of 2004 titled as Cipla Ltd. v. Punjab Medical Representatives Association and Ors. pending at Bathinda and Civil Suit No. 611 of 2002 titled as Cipla Ltd v. Punjab Medical Representatives Association and Ors. pending at Hoshiarpur, shall stand transferred to the Civil Courts at Ropar (if any of suit is not already decided).

8. Parties their counsel are directed to appear before the District Judge, Ropar on 27.3.2006, who will entrust the suits to the Court of competent jurisdiction. The Courts at Amritsar, Ludhiana, Bathinda and Hoshiarpur, are directed to forward the records of the cases to learned District Judge, Ropar, for further proceedings in accordance with law.