

Serial No. 55
Supplementary List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM (M) No. 320/2022
CM No. 7688/2022
Caveat No. 2558/2022.

M/s Bombay HI Gas Agency (Sr. Citizen) .

...Petitioner(s)

Through: Mr Asif Maqbool, Advocate.

VERSUS

M/s ZamZam HP Gas Agency Pattan.

...Respondent(s)

Through: Mr Javed Ahmad Parray, Advocate
(Caveat No. 2558/2022)

CORAM:

HON'BLE MR.JUSTICE SANJAY DHAR, JUDGE

ORDER

31.12.2022.

Caveat No. 2558/2022

With the appearance of Mr. Javed Ahmad Parray, learned counsel appearing for the respondents, the instant caveat stands discharged.

CM (M) No. 320/2022

01. Learned counsel for the petitioner has submitted that the order dated 20.12.2022, passed by learned District Judge, Baramulla, whereby SHO Police Station Pattan, has been directed to implement its earlier orders dated 05.12.2022 and 15.12.2022, are illegal and unsustainable in law.

02. Learned counsel for the respondents on the other hand has submitted that petitioner-agency is illegally operating sale points in prohibited areas under the name and style of CSE and this fact has been brought to the notice of Hindustan

Petroleum Corporation Limited. Learned counsel has further submitted that the corporation has already clarified the position that operating of such outlets is prohibited and they have also stopped the supply of the gas to such outlets.

03. Keeping in view the submissions made by the learned counsel for the respondents that the Hindustan Petroleum Corporation has already taken action in the matter inasmuch as it has declared these outlets as illegal and has also stopped the supply of gas to these outlet, there is no need to direct implementation of the orders of the trial courts through Police agency.

04. Accordingly, the Order dated 20.12.2022, passed by the learned District Judge, Baramulla, whereby SHO Police Station Pattan, has been directed to implement earlier orders of the said court is hereby set aside subject to the condition that petitioner shall furnish undertaking before both the courts below i.e. the Court of District Judge, Baramulla as well as before the Court of Civil Judge(Senior Division)Pattan, to the effect that he shall not violate the terms and conditions of the interim orders passed in both the suits, till the said orders are in vogue. In case the petitioner fails to discharge his obligations, in terms of the undertaking the trial courts shall be at liberty to proceed against the petitioner under law.

05. *Disposed of.*

(Sanjay Dhar)
Judge

SRINAGAR

31.12.2022

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