



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

114

CR-4963-2018

Date of decision: 25.04.2025

LUDHIANA CENTRAL COOPERATIVE BANK LTD ..Petitioner

Versus

SUNNY KHOSLA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Prashar, Advocate  
for the petitioner.

Mr. Pritpal Singh Miglani, Advocate  
for respondent No.1.

Mr. Anil Bansal, DAG, Punjab.

**ANIL KSHETARPAL, J(Oral)**

1. The defendant assails the correctness of trial Court's order passed on 19.04.2018 while dismissing its application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on the ground that it is barred under the law. The respondent (plaintiff) borrowed loan for purchasing a car from the petitioner (defendant). The plaintiff committed default in repayment of loan, forcing the petitioner-Bank to resort to arbitration proceedings in accordance with provisions of Punjab Cooperative Societies Act, 1961 (in short '1961 Act'). Subsequently, the respondent filed suit claiming the following reliefs:-

*“a) Decree for permanent injunction restraining the defendants themselves or through their officials, agents, employees, attorneys, associates etc. or anybody Claiming through them not to attach/sale/transfer of vehicle i.e. Pb-10-DX-6789 bearing registration no. Pb-10-DX-6789, forcibly and illegally till the final decision of the present suit be passed in favour of the plaintiff and against the defendants.*

*And*



*Decree for mandatory injunction directing the defendant no.1 to submit the certified copy of complete statement of account & complete set of loan documents of term/car loan availed by the plaintiff be passed in favour of the plaintiff and against the defendants.*

*And*

*Decree for rendition of accounts be passed in favour of the also plaintiff and against the defendants.*

*D) Any other relief deemed appropriate by this forum in the circumstances of the case, may kindly be given to the plaintiff.”*

2. On notice, the petitioner filed application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (in short ‘CPC’), for rejecting the plaint at the threshold, however, the trial Court refused to reject the plaint on the ground that the plaintiff has not challenged the correctness of arbitration award and he is only seeking relief of rendition of account.
3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
4. As per Section 82 of the ‘1961 Act’, the jurisdiction of the Civil and Revenue Court is barred, which reads as under:-

**“82. Bar of jurisdiction of courts :-**

*(1) Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of -*

*(a) the registration of a co-operative society or its bye-laws or of an amendment of a bye-law;*

*(b) the removal of a committee;*

*(c) any dispute required under section 55 to be referred to the Registrar; and*

*(d) any matter concerning the winding up and the dissolution of a co-operative society.*

*(2) While a co-operative society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.*



*(3) Save as provided in this Act. no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever.”*

5. Moreover, Section 41(h) of the Specific Relief Act, 1963 lays down that no injunction can be granted if equally efficacious relief can be obtained by any other usual mode of proceedings except in case of breach of trust.

6. In substance, the plaintiff seeks a direction to the defendants to submit a complete copy of statement of account and rendition of account. In the arbitration award, the amount has been quantified, hence, the plaintiff cannot now claim that the aforesaid quantified amount is wrong unless he challenges the correctness of the award.

7. The plaintiff has also sought relief of permanent injunction, which results in obstructing the implementation of arbitration award, which is executable.

8. Hence, the trial Court has erred in dismissing application under Order VII Rule 11 of the ‘CPC’.

9. Consequently, the same is set aside and the revision petition is allowed. The plaint filed by the plaintiff shall stand rejected under Order VII Rule 11 of the ‘CPC’

**April 25<sup>th</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*