

RAJASTHAN FINANCIAL CORPORATION  
Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur-302 005

Ref. No. RFC/F.Law-3/LPM/22/4178

Dated: 17th Sept., 2002

CIRCULAR  
(Lit.Cir.No. 83)

Sub : Important Court decision - M/s.Ambika  
Power Loom Factory V/s RFC

The Hon'ble Rajasthan High Court in the case of M/s.Ambika Power Loom Factory V/s RFC in SB Civil Revision Petition No.752/1999 has laid down the following Law which is very useful to the Corporation. Copy of judgement passed by Hon'ble Court on 27.05.2002 is enclosed.

"The developing tendency of the loanee not to repay the loan deserves to be depreciated. The Corporation was correct in its approach to take appropriate steps for recovery of outstanding amount against the petitioner. In the matters of the dispute of the category to which this case belongs seldom, the courts should come to rescue or give any interim relief to the defaulters. It is money of the Corporation which is to be used for the purpose of development of the industries in the State and that way it is blocked, it will not rotate and entrepreneurs in the field of establishment of industries will suffer. Grant of T.I. if the matter is looked into from this aspect and angle will result in causing irreparable injury to the public at large. The courts should take all the care not to pass any order which may adversely effect the public at large. "

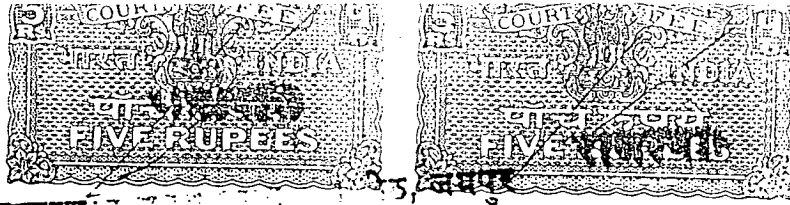
All the field officers and officers In-charge are enjoined upon to go through the orders of Hon'ble Rajasthan High Court and take preliminary objections in the reply and in no way interim order be passed.

A copy of this Judgement may also be circulated to all the penal Advocates of the Corporation for use of same in our cases.

( J. P. VIMAL )  
EXECUTIVE DIRECTOR.

Encl: As above

- Copy to:
1. All ROs/BOs/SOs
  2. GM(WZ), Jodhpur
  3. DGM(A&I), WZ, Ajmer
  4. Standard Circulation at HO



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राजस्थान उच्च न्यायालय  
Certified Copy of S.B. dated... .. 27.5.2

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

BENCH AT JAIPUR.

S.B. CIVIL REVISION PETITION NO. 752/1999

Messrs Ambika Powerloom Factory,  
G-8, Rico Second Phase, Beawer, through  
Shri Ehanwarlal son of Shri Pannalal Ehati,  
resident of Beawer, District Ajmer.

... Plaintiff -  
Petitioner.

Versus

1. Rajasthan Finance Corporation, Udyog Bhawan, Tilak Marg, Jaipur, through its General Manager, F.R. Second, Beawer.
2. Rajasthan Finance Corporation, Beawer, Branch-B, O. 32, Adarsh Nagar, Ajmer Road, Beawer, through its Recovery Officer, Beawer.

... Defendants -  
Respondents.

S.B. CIVIL REVISION PETITION UNDER SECTION 115 C.P.C. AGAINST THE ORDER DATED 23.3.1999 PASSED BY THE LEARNED ADDITIONAL DISTRICT JUDGE, BEAWER (SHRI AJAY KUMAR JAIN, R.H.J.S.) IN CIVIL MISC. APPEAL NO. 7/1999 CONFIRMING THE ORDER DATED 17.11.1998 PASSED BY THE LEARNED CIVIL JUDGE (LOWER DIVISION) BEAWER



राजस्थान उच्च न्यायालय  
जायक  
16/4/99

(MRK SUSHRI SUSHILA NAGAR, R.J.S.) IN  
CIVIL MISC. CASE NO. 135/1998 REJECTING  
THE PLAINTIFF'S APPLICATION UNDER ORDER  
39 RULE 1 & 2 C.P.C.

.....



सचिव - प्रशासनिक सेवा  
[Signature]  
[Date: 13/10]  
पता: राज्य प्रशासनिक सेवा भवन  
मद्रास

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S.B. CIVIL REVISION PETITION NO. 752/1999.  
AND  
S.B. CIVIL STAY APPLICATION NO. 1332/1999.

27.05.2002.

HON'BLE MR. S.K. KESHOTE, J.

Mr. S.R. Surana for the plaintiff petitioner.  
Mrs. Manjeet Kaur for the defendant respondent.

Heard learned counsel for the parties, perused the memo of revision petition and the orders of the courts below.

Having gone through the orders of the courts below and the fact that the plaintiff has not repaid the amount of loan taken by it from the non-petitioner, both the courts below are perfectly legal and justified in their approach not to grant temporary injunction in favour of the plaintiff petitioner. This developing tendency of the loanees not to repay in time the loan of the financial institutions deserves to be deprecated. In the facts of this case, the Corporation was correct in its approach to take appropriate steps for the recovery of outstanding amount of loan against the plaintiff petitioner. Leaving apart all these considerations, it is a money matter and in case the learned trial court had not granted any temporary injunction in favour of the plaintiff petitioner, it will not result in causing any irreparable injury to it which cannot be compensated in terms of money. In the matters of the dispute of the category to which this case belongs seldom the courts should come to rescue or give any interim relief to the defaulters. It is money of the Corporation which is to be used for the purpose of development of the industries in the State and that way it is expected that will not rotate and entrepreneurs in the field.



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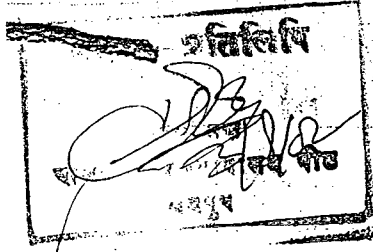
establishment of industries will suffer. Grant of temporary injunction if the matter is looked into from this aspect and angle, will result in causing irreparable injury to the public at large. The courts should take all the care not to pass any order which may adversely affect the public at large. Taking into consideration the matter from any angle, it is a misconceived and misplaced revision petition and the same deserves to be dismissed with costs.

The revision petition is dismissed with costs which is quantified to Rs.5,000/-.

As a result of the dismissal of the revision petition, the stay application is also dismissed.

*S.K. Keshote*  
(S.K.Keshote)J.

BRLM



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