

CNR No: PHHC011325302026

2026:PHHC:126836



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR-6245-2026 (O&M)
Date of decision: 03.09.2026

Dera Santgarh, Harkhowal and others

...Petitioners

Versus

Manjit Singh (since deceased) through his
Legal Representative cum successor and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr.Ajay Kalra, Advocate,with
Ms. Isha Janjua, Advocate, and
Mr. Pritpal S. Sangha, Advocate, for the petitioners.

VIKAS SURI, J.

1. Prayer in this petition under Article 227 of the Constitution of India is for issuing direction to learned Additional Civil Judge (Senior Division), Hoshiarpur, to adjudicate upon the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short, 'CPC'), filed by plaintiff-petitioners, which is stated to be pending for approximately 7 years.

2. Briefly stated, plaintiff-petitioners filed a suit for permanent injunction restraining defendant-respondents, and their agents, servants, representatives, etc., from interfering in the management and control of petitioner No. 1-Dera Santgarh and in the peaceful possession of the property vested in the plaintiff-petitioners, particularly the land situated in the revenue estate of village Harkhowal, Tehsil and District



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Hoshiarpur. The said suit was instituted on 21.12.2020 along with an application under Order 39 Rules 1 and 2 CPC for an ad interim injunction against defendants and their agents, etc.

3. Learned counsel for plaintiff-petitioners submits that learned Trial Court had granted an *ex parte* ad interim injunction, vide order dated 21.12.2020 (Annexure P-2). However, due to one reason or the other, the matter kept being adjourned thereafter, without the application under Order 39 Rules 1 and 2 CPC being finally adjudicated upon. The said application was disposed of as having not been pressed, vide order dated 14.01.2026 (Annexure P-8). The plaintiff-petitioners had approached this Court invoking its revisional jurisdiction, assailing order dated 14.01.2026 (Annexure P-8). On 30.04.2026 (Annexure P-9), a coordinate Bench of this Court set aside the aforesaid order and allowed plaintiff-petitioners to argue the application for interim injunction on the date to be fixed by the Trial Court. However, the said application has remained pending before the Trial Court ever since.

4. I have heard learned counsel for the petitioners and perused the record with his able assistance.

5. It is pertinent to note that when the Trial Court had granted an *ex parte* ad interim injunction against defendant-respondents, vide order dated 21.12.2020 (Annexure P-2), the parties were ordered to maintain *status quo* with regard to the possession, operation and functioning of plaintiff-Dera, in the interest of law and order, and to



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maintain peace and tranquility between the parties. The aforesaid order also noted the possibility of an untoward incident taking place in case the *ex parte* interim injunction was not granted, since two FIRs had already been registered against the defendants at that time. The said *ex parte* stay order was extended thereafter by subsequent interlocutory orders and the application under Order 39 Rules 1 and 2 CPC remained pending. After the death of both the defendants in the suit, the plaintiffs failed to move an appropriate application to implead their legal representatives and accordingly, the suit filed by them stood abated qua defendant No. 1 on 07.07.2022 and as a whole, vide order dated 18.10.2022 passed by learned Trial Court.

6. The said order of abatement came to be challenged before this Court by way of CR-1054-2023. This Court, vide order dated 17.02.2023 passed in the said revision petition, restored the civil suit to its original docket by setting aside the impugned orders dated 07.07.2022 and 18.10.2022, and directed that the proceedings in the trial would continue from the stage that existed on the date of passing of the order(s) impugned in that petition.

7. Thereafter, the restoration of the civil suit was carried forth by the Trial Court vide order dated 15.09.2023, in terms of the aforementioned order of this Court. The issues in the case were framed vide order dated 10.07.2025 (Annexure P-5). Since the plaintiffs did not address arguments on the application under Order 39 Rules 1 and 2,



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despite having been granted several opportunities even after the restoration of the case, the same was eventually disposed of as being not pressed vide order dated 14.01.2026 (Annexure P-8). It is submitted that as a natural consequence of the aforesaid disposal of the application, the *ex parte* ad interim injunction granted vide order dated 21.12.2020 (Annexure P-2), also stood vacated.

8. Aggrieved by the aforesaid, plaintiff-petitioners approached this Court by way of revision petition, bearing No. CR-3286-2026. The following order was passed on 30.04.2026, by a coordinate Bench of this Court, in the said petition:

“[1] Mr. Onkar Singh, Advocate, puts in appearance on behalf of the respondents and has filed his vakalamama in Court today. The same is taken on record.

[2] The present revision petition is directed against Order dated 14.01.2026, which reads as under:-

“ The case was fixed for arguments on application under Order 39 Rule 1&2 CPC as per the earlier order dated 1.8.2025. Since then arguments are not being addressed on the stay application. At about 3:45 pm, Gurmit Singh stated to be attorney on behalf of plaintiff appeared and did not say anything. He was asked if the arguments would be addressed by the Id. Counsel for plaintiff or anyone on behalf of plaintiff, but he did not clarify anything. Perusal of file reveals that sine 1.8.2025 repeatedly, the matter is being adjourned for arguments on stay application but for one reason or another, the arguments have not been addressed. It seems that plaintiff is not interested to pursue this application under Order 39 Rule 1&2 CPC, however Ld.Counsel for defendants are present to address the arguments. Accordingly, the application under Order 39 Rule 1&2 CPC is disposed off being not pressed.



Since issues in this case have already been framed vide order dated 10.7.2025, the matter is adjourned for evidence of plaintiff. Dasti summons be taken at own responsibility, and Ahlmad is directed to issue notice to witnesses as per list of witnesses already attached by the plaintiff on record. The matter is adjourned to 27.1.2026 for plaintiff evidence.”

[3] *The Trial Court disposed off the application filed under Order XXXIX Rules 1 & 2 CPC as not pressed keeping in view the conduct of the plaintiff. In the considered opinion of this Court, even though the Court may be justified in making observation with respect to the conduct of the plaintiffs but it ought to have adjudicated upon the application filed under Order XXXIX Rules 1 & 2 CPC.*

[4] *Counsel for the petitioners-plaintiffs shall argue the application under Order XXXIX Rules 1 & 2 CPC.*

[5] *On his undertaking, the impugned order dated 14.01.2026 is set aside, subject to the condition that the plaintiffs shall argue the application on the date fixed by the Trial Court after the present order is brought to its notice.*

[6] *With the aforesaid observations, the present revision petition is dismissed.*

[7] *Plaintiffs are warned to be careful and should not adopt any delaying tactics. Rather they should aide the expeditious disposal of lis.”*

9. It is noteworthy that with the passing of the above extracted order dated 30.04.2026 (Annexure P-9), thereby setting aside order dated 14.01.2026 (Annexure P-8), the position *ante* stood restored and



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consequently, the *ex parte* ad interim injunction, which was granted vide order dated 21.12.2020 (Annexure P-2), continued as before.

10. At this stage, it would be apposite to note the provision contained in Order 39 Rule 3A CPC, which reads thus:

“3A. Court to dispose of application for injunction within thirty days.— Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability.”

11. Concededly, an *ex parte* temporary injunction was granted in the present case on 21.12.2020, and the same continues to operate till date, as discussed hereinabove. As per the provision reproduced above, the application under Order 39 Rules 1 and 2 CPC is to be finally disposed of within thirty days from the grant of the *ex parte* stay order. However, the same has not been done even after nearly six years therefrom.

12. In view of the aforesaid, this Court is of the view that learned Trial Court is liable to be directed to decide the aforesaid application for ad interim injunction, in terms of the provision of Order 39 Rule 3A CPC.

13. Accordingly, the present revision petition is allowed and trial Court is directed to decide the application under Order 39 Rules 1



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and 2 CPC filed by the plaintiff-petitioners, within **thirty days** from the date fixed before the Trial Court, which is stated to be 15.09.2026, subject to this order being brought to the notice of learned trial Court on the said date, failing which learned trial Court to dispose of the said application within thirty days from the date this order is so brought to its notice.

14. As the present revision petition is being disposed of in the absence of defendant-respondents, liberty is granted to them to seek recalling of this order, if valid grounds for the same are made out.

15. The revision petition is disposed of in the aforesaid terms.

September 03, 2026

*sumit.k***(VIKAS SURJ)**
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No