

CNR No:PHHC011363592023
2026:PHHC:101156



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

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CR-6309-2023 (O&M)
Date of decision: 22.07.2026

M/s Emaar India Ltd. and others

...Petitioners

Versus

Chander Pal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Kunal Dawar, Sr. Advocate with
Mr. Vipul Sharma, Advocate for the petitioners.

Mr. Amit Jain, Sr. Advocate with
Mr. Amit Jain, Advocate and
Mr. Varun Parkash, Advocate for the respondents.

VIKAS SURI, J. (Oral)

1. Challenge in this petition under Article 227 of the Constitution of India, filed by defendant-petitioners is to the order dated 19.05.2023 (Annexure P-8), passed by the learned Civil Judge (Junior Division), Gurugram, whereby the application under Order 39 Rules 1 and 2 CPC, was allowed and the defendants were restrained from demolishing, interfering or dispossessing the plaintiff/respondents from the suit property; and the order dated 26.09.2023 (Annexure P-10), passed by the learned Additional District Judge, Gurugram, on an appeal preferred against the order dated 19.05.2023, whereby the order dated 19.05.2023 was affirmed with certain modifications.

2. The parties to the present petition are being referred as per



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their status before the trial Court, i.e. the petitioners as defendants and the respondents as plaintiffs.

3. Briefly stated, the plaintiffs filed a suit for declaration, with consequential relief of permanent and mandatory injunction against the defendants. Along with the suit, an application under Order 39 Rules 1 and 2 CPC was filed, which was disposed of vide order dated 19.05.2023 (Annexure P-8), with the following observations:

“As such, the plaintiffs have been able to make out a good prima facie case in their favour for grant of injunction. The Balance of convenience lies more in favour of the plaintiffs and against the defendants, in case injunction is not granted to them, as they would be dispossessed from the suit land and once that happens, they would certainly suffer irreparable loss and injury which could not be compensated in terms of money. Accordingly, this Court is of the view that the plaintiffs are entitled to the grant of injunction. The defendants are restrained from demolishing, interfering and dispossessing the plaintiffs from the suit property, till the final decision of the case. Order accordingly. Injunction application stands allowed.”

4. Aggrieved by the aforesaid, the defendants preferred an appeal, which was disposed of vide order dated 26.09.2023 (Annexure P-10), with the following observations:

“In view of the foregoing discussion, without commenting anything on the merits of the case, the appeal filed by the appellants-defendants is partly allowed. The defendants are restrained from interfering in peaceful possession of the plaintiffs over



the land comprised in rect. no. 8 killa no.20/1/1, 20/1/2, 20/1/3/1, 20/2/1 and also in land comprised in rect. no. 9 killa no. 16/1/1 situated in revenue estate of village Nangli Umarpur, Tehsil Badshahpur, District Gurugram till decision of suit except in due course of law. Memo of costs be prepared accordingly. Copy of this judgment alongwith trial court record be sent to ld. Trial Court for information. Appeal file be consigned to record room after due compliance.”

5. Still feeling aggrieved, the defendants have approached this Court by way of the present petition, raising challenge to the aforesaid orders.

6. A perusal of the order sheets of the present case would show that this petition has been pending adjudication for the last about three years, and appears to have been argued at some length on two occasions before coordinate Benches. The petition is still at the motion stage and no interim relief has been granted therein.

7. Learned counsel for the parties are *ad idem* that the merits of the suit would have to be gone into to appreciate and adjudicate upon the controversy that has arisen in the present petition. They would further point out that the present petition was filed in the month of October 2023, and has been pending since. The primary grievance raised in the suit is with regard to a partition amongst co-sharers, followed by an understanding between the plaintiffs and the defendants. Thus, they submit in unison that in such circumstances, it would be appropriate that a direction be issued to the learned trial Court to conclude the trial in a



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time bound manner.

8. Learned counsel for the parties further mutually agree that, till the final disposal of the suit by the learned trial Court, the interim directions dated 19.05.2023, as modified vide judgment dated 26.09.2023, shall continue to operate.

9. Having heard learned counsel for the parties and found their above submission to be just, fair and equitable, and in view of the consensus arrived at between them, this Court accepts the joint limited prayer made during the course of hearing, noticed above.

10. Accordingly, to balance the need for a fair chance to adduce evidence, with legislative intent to prevent protracted litigation through repeated adjournments, the following directions are hereby issued:

- (i) The learned trial Court shall afford both parties five effective opportunities each, to lead their respective evidence, whether by way of examination-in-chief, cross-examination, or re-examination, and shall ensure expeditious disposal of the suit, so far as practicable. In case, rebuttal evidence is required to be lead, then further two opportunities be afforded for the same;
- (ii) The parties may avail assistance of the Court for summoning witnesses and official record, and for the said purpose may also seek *dasti* process for ensuring presence before the Court;
- (iii) No unnecessary or long adjournment shall be granted to either side, and any adjournment beyond what is strictly necessary shall be permitted only upon sufficient cause shown, in writing, with costs imposed



in terms of Order XVII Rule 1 and Rule 2 CPC, and reasons recorded in accordance with law;

- (iv) The learned trial Court shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment being granted;
- (v) The learned trial Court, in consultation with the learned advocates representing the parties, at the commencement of trial itself shall specify the time frames for leading and conclusion of evidence, and arguments thereafter. Attempts by either party not to adhere to the time frame or to delay the disposal of the suit, be dealt with firmly.
- (vi) The learned trial Court is further directed to ensure that the evidence of each witness is completed within the stipulated opportunities, and in the event of a party's failure to produce evidence or perform any requisite act despite such opportunities, the Court may proceed to decide the suit forthwith, on merits, in terms of Order XVII Rule 3 CPC;
- (vii) At conclusion of trial, the oral arguments shall be heard immediately and continuously, to the extent possible, and judgment be pronounced within the period stipulated under Order XX of Code of Civil Procedure;
- (viii) The learned trial Court shall abide by all rules of procedure and ensure that these directions are followed in letter and spirit; and



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(ix) The learned trial Court shall make concerted efforts to decide the suit expeditiously, in accordance with law, preferably within two years from the date fixed, following when a copy of this order is brought to its notice.

11. The revision petition is disposed of with the aforesaid observations and directions.

12. Pending applications, if any, also stand disposed of.

July 22, 2026
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(VIKAS SURI)
JUDGE

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