

CR-1775-2015 (O&M)

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

**CR-1775-2015 (O&M).
Decided on: March 12, 2015.**

Vinod Kumar Malhotra

..... Petitioner(s)

Versus

Monika and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Piyush Kant Jain, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Vide impugned order an application for vacating the
ex parte interim injunction has been dismissed.

The main plea of the defendant- petitioner before
the Courts below was that the provisions of Order 39 Rule 3 CPC
had not been strictly complied with referring to the weight of the
registered envelope received to assert that the copy of interim order
along with all the documents had not been received. The interim
order has not yet been confirmed by the trial Court.

The trial Court has exercised its discretion in not
vacating the stay.

This revision petition is disposed of as not
maintainable against the said discretion used. However, it will be
open to the petitioner to file written statement and seek dismissal of
application under Order 39 Rules 1 & 2 CPC. The pleas taken up in

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this petition would also be available at the time of final adjudication of the application under Order 39 Rules 1 & 2 CPC.

March 12, 2015.
rka

(M.M.S. BEDI)
JUDGE