

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2716 of 2015

Date of decision:- 23.4.2015

Boota Singh

Petitioner

vs.

Balwinder Singh

Respondent

Present: Mr. Manpreet Singh, Advocate.

M.M.S.BEDI,J.

The petitioner appears to have filed a suit for possession of land measuring 5 marlas, mentioned in the heading of the plaint. A perusal of the interim orders, reproduced in the petition, indicates that the case is fixed for evidence of the plaintiff- petitioner. The petitioner has sought intervention in exercise of powers under Article 227 of the Constitution of India for a direction to the trial court to decide the application under Order 39 Rules 1 and 2 CPC, copy of which is annexed as Annexure P-2 with this petition.

Since all the interim orders pertaining to the interim injunction application, have not been placed on record, this court is of the opinion that no decision on the application for interim injunction has been taken by the trial court.

This petition is disposed of as not maintainable. However, it is ordered that in case there is no adjudication of the application under Order 39 Rules 1 and 2 CPC, it will be open to the petitioner to move an application for disposal of the said application. It is expected that the trial court shall consider the said application and pass an appropriate order in accordance with law.

April 23 ,2015

(M.M.S.BEDI)
JUDGE

