

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.3107 of 2014
Date of decision:21.01.2015

Krishanjeet Singh

....Petitioner

Versus

Devender Singh Godara & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Rose Gupta, Advocate, for the petitioner.

Mr.Ajay Jain, Advocate, for respondent No.2.

G.S.Sandhawalia J.(Oral)

Counsel for the petitioner restricts his relief that the Trial Court has not decided the application, which was filed along with the suit, wherein under Order 39 Rules 1 & 2 CPC, prayer was made that defendants No.1 to 4 be restrained from causing any damage and changing the structure of the property and from alienating, transferring, encumbering the property. Further prayer was also made that defendants No.5 to 7 be restrained from allowing the defendant No.1 to run the Bar in the aforesaid property and not to grant license (L-4 and L-5), to defendants No.1 to 4, in future.

It is conceded case that the suit is dated 12.08.2011. Counsel for respondent No.2 has pointed out that the stay application was not pressed initially by counsel for the petitioner-plaintiff and referred to the order dated 28.08.2012, wherein, it was so recorded. However, it is to be noticed that the proceedings of the case were to be expedited and the counsel had liberty to press the stay application, as and when required. Relevant part of the order read as under:

“Learned counsel for plaintiff Sh. S.K.Gupta Adv. has made a statement that he does not press the stay application at this stage and the proceedings of the case may be expedited. He will press

the stay application as and when required. His statement recorded. Learned counsel for plaintiff requested for an adjournment for filing replication. On his request, case is adjourned to 03.09.2012 for filing of replication.”

Thereafter, issues were framed on 03.09.2012 and the second application was filed for stay on 20.03.2013. It is the case of the petitioner that the application is still pending. More defendants have been added during the trial and the case is still pending at the stage of plaintiff's evidence. The additional issue was also framed on 22.08.2013 and two plaintiff witnesses, though present on 11.09.2013, but could not be examined. On the request of Civil Judge (Jr.Divn.) dated 03.10.2013, the case was transferred by the District Judge, vide order dated 07.10.2013 to the Court of Civil Judge (Sr.Divn.). It is further pointed out that the case was again sent back by the District Judge. Thus, it is apparent that the suit is being sent from one Court to the other, seriously prejudicing the interest of the petitioner. The respondents have not filed any reply to the revision petition. In such circumstances, it is apparent that the claim put-forth by the petitioner is justified. The relief sought by way of the interim injunction is always urgent in nature and in the present case, the dispute is regarding the running of the restaurant and certain rights of the parties *inter se*.

In such circumstances, the Trial Court at Hisar, trying the case titled as *Krishanjeet Singh Vs. Devender Singh Godara & others*, is directed to decide the second application filed for *ad interim injunction*, expeditiously, preferably within 2 months, from the date of receipt of the certified copy of this order.

With the abovesaid observations, the present revision petition stands disposed of.

21.01.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE