

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

(206)

CR No.3358 of 2012

Decided on: July 20, 2015.

Gurbax Kaur and others

.... Petitioners

Versus

Baldev Mitter

..... Respondent

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

Present: Mr. H.K. Aurora, Advocate,
for the petitioners.

Mr. R.K. Chauhan, Advocate,
for the respondent.

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

Vide impugned order, application under Order 39 Rules 1 and 2 CPC filed by the plaintiff-respondent has been allowed by the Courts below.

Learned counsel for the defendants-petitioners has vehemently contended that the Courts below have wrongly formed an opinion regarding the right of the plaintiff for declaration, injunction on the basis of the sale deed dated 14.09.2001.

On asking of the Court, learned counsel for the parties inform that the case is now fixed for 11.08.2015 for final disposal.

Taking into consideration the stage of the trial, I deem it appropriate to dispose of this petition with a direction to the trial Court to consider the entire evidence produced by the parties and arrive at a fair conclusion on merits not being influenced by any observation by the trial

Court while deciding the application under Order 39 Rules 1 and 2

CPC. Any observation made by the Courts below will not in any manner influence the adjudication at the time of final disposal of the case on appreciation of evidence.

Anything said in the orders passed by the Courts below will also not affect the adjudication of any other litigation between the same parties.

(M.M.S. BEDI)
JUDGE

July 20, 2015
harsha