

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3655 of 2013 (O/M)
Date of decision : 6.10.2015

Rajiv Kumar Gupta

..... Revisionist

Versus

Pepsu Township Development Board and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashish Gupta, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 10.1.2013 (Annexure-P-7), passed by the learned Additional District Judge, Patiala, affirming the order dated 5.11.2012 (Annexure-P-5), passed by the learned Civil Judge (Junior Division), Rajpura, whereby the application of the plaintiff/revisionist filed under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 (in short 'CPC') for staying the further payment of instalment, was dismissed.

The present revisionist has filed a suit for mandatory injunction. By way of filing application under Order 39 Rules 1 and 2

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of CPC, the plaintiff (revisionist herein) seeks that the payment of further instalment should be stayed till the development work is done by the respondents. The prayer did not find favour with both the Courts below.

I am of the view that the payment of further instalment cannot be stayed. However, if the revisionist is aggrieved of the fact that the development work is not being done by respondents, as per acceptance letter, it is always open for him to make an appropriate prayer before the lower Court where the case is pending or he may approach the Consumer Forum to enforce the liabilities, which are to be executed by the respondents.

Dismissed with above-noted observations.

(KULDIP SINGH)
JUDGE

6.10.2015
sjks