

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4031 of 2015 (O&M)
Date of decision: 1.7.2015

Harpal Singh and others

.. Petitioners

v.

Hardeep Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anupam Singla, Advocate for the petitioners.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 15.4.2015, passed by the learned court below, whereby on an application filed by the respondents-defendants under Order 39 Rule 4 CPC, ex-parte interim stay granted on 15.1.2015 was vacated on account of non-compliance of the provisions of Order 39 Rule 3 CPC.

The learned court below opined that in terms of Order 39 Rule 3 CPC, the petitioners-plaintiffs were required to deliver to the opposite party or send by registered post a copy of application for injunction along with a copy of affidavit filed in support of application, a copy of plaint and copies of documents. The only envelope sent by the petitioners was weighing 30 grams, whereas the weight of the documents, namely, jamabandi for the year 2009-10, certified copy of khasra girdawari, copy of order dated 11.7.2013, naksha bay, copy of tarika taksim, copy of order dated 17.9.2013, copy of order dated 15.10.2013, copy of appeal dated 9.7.2014, copy of order of Naib Tehsildar dated 18.12.2014, copy of Naksha Jeem, copy of Naksha Alaf, copy of Naksha Alaf akhs latha and copy of partition application, which were required to be sent, would have been much

more than that.

With the aforesaid material on record, where the petitioners had failed to establish that there was due compliance to the provisions of Order 39 Rule 3 CPC, I do not find that any error has been committed by the court below in vacating the ex-parte stay order. There is no merit in the present petition.

Dismissed.

(Rajesh Bindal)
Judge

1.7.2015
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