

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2537 of 2016

Date of decision : April 12, 2016

Raj Kumari

..... Petitioner

Versus

Madan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

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

Amit Rawal, J (oral).

Petitioner-plaintiff is aggrieved of the impugned order dated 21.3.2016 whereby a civil Misc. appeal filed against the order of the trial court dated 17.3.2016 whereby ad interim injunction was declined.

Learned counsel appearing on behalf of the petitioner submits that ad interim injunction was sought against the defendants-respondents except defendant Nos. 4 and 7 who are intentionally avoiding the service. The trial court could have pondered upon the adjudication of the application instead of declining the matter for want of service of unserved respondents in such a way, the claim viz-a-viz ad interim injunction shall be rendered infructuous.

Having left with no other remedy, such order was assailed by filing appeal and the lower appellate court entertained the

appeal but ex-parte declined the injunction without assigning any reason.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the trial court ought to have considered the request of the petitioner instead of not addressing issue of ad interim for want of service of the un-served defendants. At least service qua other defendants was complete and the matter qua aforementioned defendants could have been deliberated upon. In my view, such an exercise ought to have been done at the instance of the petitioner-plaintiff also by insisting the court, much less by moving an independent application instead of filing an appeal.

In view of the observations made above, in case any application is filed, the trial court shall consider the same, much less also take into consideration the factum of appearance of defendant No.4 by calling upon the other represented parties to address arguments on the ad interim application as expeditiously as possible preferably within a period of one month from the date of receipt of certified copy of this order , otherwise, the purpose of ad interim injunction would be totally defeated, provided that the petitioner-plaintiff withdraws the appeal forthwith.

The revision petition with the aforesaid observations stands disposed of.

(AMIT RAWAL)
JUDGE

April 12 , 2016
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