

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2582 of 2016 (O&M)

Date of decision:05.09.2016

Pardeep Kumar

... Petitioner

Vs.

Om Parkash and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. L.M.Gulati, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel appearing on behalf of the petitioner submits that in the interim application filed in a suit for possession, there is a restraint order for alienating and transferring the shop in question and submits that the respondent-plaintiffs prima facie have not been able to make out a case, much less, in view of the provisions of Order 39 Rules 1 and 2 CPC.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the suit aforementioned was instituted on 10.09.2013. It has been informed that suit is at the stage of plaintiffs' evidence. During the course of arguments, he submits that under the garb of order passed on the interim application, the respondent-plaintiffs are delaying the adjudication of the trial. I am in agreement with the aforesaid submission of Mr. Gulati. To this effect, instead of pondering upon granting

interim injunction, I deem it appropriate to dispose of the present revision petition while upholding the order under challenge with a direction to the trial Court to decide the suit by affording 4-4 effective opportunities to the parties to lead evidence preferably within a period of one year from the date of receipt of a certified copy of this order.

Accordingly, revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 05, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No