

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

Civil Revision No.5896 of 2015

Date of Decision:- 12.01.2016

Kamla Devi

.....Petitioner

Versus

Bhagirath Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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?

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

Mr. Ramesh Chand Chauhan, Advocate
for respondent Nos.1 to 13.

SHEKHER DHAWAN, J

Present petition under Article 227 of the Constitution of India for setting aside the order dated 22.07.2015, passed by Additional Civil Judge (Sr. Divn.), Pataudi, Gurgaon, whereby the relief of ad-interim injunction on an application under Order 39 Rules 1 & 2 read with Section 151 CPC was declined.

2. Learned counsel appearing for respondent Nos.1 to 13 mainly raised legal objection that present petition under Article 227 of the Constitution of India is not maintainable because challenge by way of present petition is under Article 227 of the Constitution of India, whereas

the legal remedy is available under Order 43 Rule 1 CPC, wherein a specific provision has been made to prefer an appeal against such an order.

3. Learned counsel for the petitioner mainly submitted that several legal points involving interpretation of judgments from Hon'ble Supreme Court as well as law laid down by Hon'ble Full Bench of this Court and as such the present petition is maintainable.

4. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that as proper and equally effectuated legal remedy is available under Order 43 Rule 1 CPC, which shall provide opportunity to the appellant to take all the pleas available to her before the appellate Court, the present petition under Article 227 of the Constitution of India is not maintainable, at this stage. As such, the present petition is dismissed being not maintainable, at this stage.

January 12, 2015

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**(SHEKHER DHAWAN)
JUDGE**