

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

Civil Revision No.8643 of 2016

Date of Decision: 21.12.2016

**AJAY KUMAR
Vs**

.....Petitioner

JANESH MITTAL AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.D. Bawa, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner seeks issuance of appropriate directions to the trial Court to decide the application dated 16.05.2016 filed by the him under Order 8 Rule 1, 10 and Section 151 CPC for striking defence of the defendant Nos.1, 9, 10, 11, 13 and 14 and also to decide the application dated 28.10.2015 (presented along with suit on 29.10.2015) under Order 39 Rules 1 and 2 CPC.

[2]. The suit along with application under Order 39 Rules 1 and 2 CPC was presented on 29.10.2015. *Ex parte* injunction was not granted on the premise that the same cannot be granted without hearing the opposite party. Notice was issued for 17.11.2015.

[3]. On the adjourned date, defendants No.1, 10, 11, 13 & 14

appeared through their counsel. Defendant No.9 did not appear despite service and was proceeded against *ex parte*. Defendant No.2 was also proceeded against *ex parte*. On the adjourned date, the served respondents did not file written statement and even thereafter they did not file written statement after availing number of opportunities.

[4]. By referring to the number of interlocutory orders, learned counsel for the petitioner contended that the grant of interim order is not dependent upon passive attitude of the respondent in not filing the written statement.

[5]. In view of nature of order which this Court proposes to pass at this stage, there is no necessity of issuing notice of motion as no order prejudicial to the interest of the parties is being passed.

[6]. Accordingly, this revision petition is disposed of with direction to the trial Court to decide the pending applications after giving proper notice to all the concerned parties within a period of three weeks from the date of receipt of certified copy of this order.

December 21, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No