

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

CR No.1436 of 2017 (O&M).

Date of Decision: 01.03.2017.

Paramjit Kaur

....Petitioner.

VERSUS

Pritam Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Kulwant Singh Boparai, Advocate for the petitioner.

SNEH PRASHAR, J.

CM-4465-CII-2017

Allowed, as prayed for.

CR-1436-2017

The instant revision petition under Article 227 of the Constitution of India has been filed for issuing direction to learned trial Court to decide the application filed by the petitioner-plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure (for short, "CPC").

The submissions made by Mr. Kulwant Singh Boparai, learned counsel representing the petitioner have been heard.

Learned counsel for the petitioner submits that vide order dated 30.08.2016 at the time of issuing notice of the suit and of the application for ad-interim injunction filed by the petitioner, to the respondents-defendants, learned trial Court had observed that no ground was made out for grant of

exparte injunction. After respondents-defendants No.1 to 3 appeared, the case was adjourned for filing of written statement by them. On the next date of hearing, when respondent-defendant No.4 also appeared, he moved an application under Order VII Rule 11 CPC. As reflected in the order dated 20.12.2016, the petitioner-plaintiff moved another application for deciding his application under Order XXXIX Rules 1 and 2 CPC, but learned trial court adjourned the said application also for filing reply by the respondents-defendants. To the same effect was the order passed on 07.01.2017. Subsequent to 07.01.2017 as well, the case was twice adjourned but the application of the petitioner was not decided and the matter is now fixed for 10.03.2017 for the same proceedings.

The submissions made by learned counsel for the petitioner in the light of the facts pointed out by him, do call for a direction to learned trial Court to dispose of the application filed by the petitioner under Order XXXIX Rules 1 and 2 CPC. There is, indeed, no justification for delaying disposal of the application by learned trial Court.

Accordingly, the instant petition is allowed and learned trial Court is directed to dispose of the application of the petitioner under Order XXXIX Rules 1 and 2 CPC on 10.03.2017 i.e. the date fixed in the case. In case for some unforeseen eventuality, learned trial Court is unable to dispose of the application on the said date, the date of hearing be fixed within seven days and the application be disposed of.

01.03.2017.

jitender sharma

(SNEH PRASHAR)
JUDGE

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**