

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

**CR No.5786 of 2016(O&M)
Date of Decision: 18.08.2017**

**Chhitesh Sangwan and another Petitioners
Vs**

**Sacred Heart Kinder Garden Jagadhri and another
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. J.S. Chahal, Advocate
for the petitioners.

Mr. Harsh Aggarwal, Advocate
for the respondent(s)

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred by the petitioners against the order dated 31.05.2016 passed by Civil Judge (Junior Division), Yamuna Nagar and order dated 28.06.2016 passed by Additional District Judge, Yamuna Nagar, whereby application under Order 39 Rules 1 and 2 read with Section 151 CPC was dismissed and appeal against the order of the trial Court was dismissed by the lower Appellate Court.

[2]. Interim mandatory injunction was sought in the application under Order 39 Rules 1 and 2 CPC for directing defendants/respondents to allow the plaintiffs/petitioners to join their nursery class in defendant No.1/School from the beginning

of the academic session for the year 2016-17.

[3]. Evidently, the session for the year 2016-17 has already elapsed. The suit of the plaintiffs is pending. It appears that the plaintiffs have passed their nursery class from some other School. Prayer in terms of interim directions for joining the nursery class for the session 2016-17 has become infructuous. However, plaintiffs may take recourse to any other remedy available to them in accordance with law. This revision petition has become infructuous in the aforesaid factual position.

[4]. Disposed of accordingly.

August 18, 2017.

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No