

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

Sr. No.117

C.R. No.5683 of 2018 (O&M)
Date of decision: 30.08.2018

Parveen Kumar and another

....Petitioners

versus

Gaurav Kumar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Arora, Advocate
for the petitioners.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the non-grant of ad-interim injunction by the Civil Judge (Junior Division), Ludhiana (for short – the Trial Court).

The facts in brief which are required to be noticed for adjudicating upon the present petition are that the petitioners who both are senior citizens had filed a suit seeking therein permanent injunction to restrain the respondents from interfering in their peaceful possession of building No.78, New Lajpat Nagar, Pakhowal Road, Ludhiana (for short – the suit property). Alongwith the suit an application under Order 39 Rules 1 and 2 CPC seeking therein ad-interim injunction was also filed. The suit was registered by the Trial Court on 13.08.2018 and on the same day notice of the same was also issued for 21.08.2018 to both the respondents. On the

adjourned date, though respondent No.1 appeared, for want of service, respondent No.2 did not. Therefore, while adjourning the matter to 06.09.2018, the Trial Court directed the petitioners to file registered cover so that service of respondent No.2 could be effected. Ad-interim injunction was not granted.

Learned counsel for the petitioners submitted that the respondents are husband and wife between whom a divorce petition is pending. Respondent No.2 is also stated to have filed several litigations against the petitioners as also respondent No.1 in different Courts. It is further submitted that the respondents are trespassing in the suit property which is owned and possessed by the petitioners and such trespassing by the respondents is a cause of harassment to the petitioners who are both senior citizens and suffering from several ailments.

Whether or not the petitioners are entitled to any ad interim injunction is to be determined by the Trial Court. However, once the Trial Court has issued notice in the suit filed by the petitioners in which they have filed an application seeking therein ad-interim injunction, the Trial Court is expected to decide the prayer for ad-interim injunction as soon as possible. Since respondent No.1 already stands served and respondent No.2 being on caveat can easily be served through her counsel, after considering the facts of the present case, the Trial Court, after giving both the respondents an opportunity to file their responses, is requested to finally adjudicate upon the prayer made by the petitioners for the grant of ad-interim injunction on the next date fixed before it or within 15 days thereafter, in accordance with law.

The petition is disposed of in the above terms.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

August 30, 2018
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No