

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

**CR No.6917 of 2018**

**Date of Decision:10.10.2018**

**Dareb Singh**

**...Petitioner**

**Versus**

**Balbir Singh**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Ms. Kiranjeet Kaur, Advocate  
for the petitioner.

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**DEEPAK SIBAL, J. (ORAL)**

Through the present petition filed under Article 227 of the Constitution of India, a direction is sought to be issued to the Civil Judge (Jr. Division), Kurukshetra (for short 'the Trial Court') to dispose of the application filed by the petitioner under Order 39 Rules 1 & 2 CPC in a time bound manner.

A perusal of the record reveals that on 29.05.2018 the petitioner filed a suit for permanent injunction to restrain the respondent/defendant from changing the nature of the suit property by raising any type of construction thereupon without partition of the same. Alongwith the suit an application under Order 39 Rules 1 & 2 CPC was also filed seeking interim relief. The suit was registered on 29.05.2018 and on the same day notice was issued to the respondent-defendant for 31.05.2018 on which date, the respondent appeared before the Trial Court but did not file written statement. Thereafter, the matter had been adjourned for several dates for filing of the written statement by the respondent and also for the

reason that on two dates the Presiding Officer was on leave. The petitioner's

suit is now listed for 12.12.2018.

The plea for interim injunction should be considered and adjudicated upon as soon as possible because if the same is not done, the very purpose for seeking interim relief is lost and that the delay can cause serious prejudice to a litigant.

The petitioner filed the suit along with an application for interim injunction on 29.05.2018 and the matter is now listed before the Trial Court on 12.12.2018. Almost four and half months have lapsed but till date the respondent/defendant has not filed his statement resulting in delay in disposal of the prayer made by the petitioner for interim injunction.

In the facts of the case in hand, the present petition is disposed of with a direction to the Trial Court to take a final decision on the application filed by the petitioner under Order 39 Rules 1 & 2 CPC on the next date of hearing, fixed before it, or within a fortnight thereafter.

It is clarified that if the respondent/defendant is aggrieved by passing of this order, he is at liberty to approach this Court by filing of an appropriate application.

**(DEEPAK SIBAL)**  
**JUDGE**

**October 10, 2018**

*Jyoti-IV*

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |