

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 129

CR-7154-2018

Date of decision : 22.10.2018

Ram Chander and others

..... Petitioners

VERSUS

Harpreet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S. K. Daaria, Advocate, for the petitioners.

\*\*\*\*\*

DEEPAK SIBAL, J. (ORAL)

The petitioners filed a suit seeking therein a declaration to the effect that the passage duly described in the plaint was personal to them. Injunction was also sought to restrain the respondents, who were defendants in the suit, from using the aforesaid passage as also from changing the nature of the suit property. Alongwith their suit, an application under Order 39 Rules 1 and 2 CPC seeking therein interim stay was also filed.

The petitioners' suit as also their application for stay came up for hearing for the first time before the Trial Court on 14.06.2018 on which date notice was issued to the respondents. After service of all the respondents, the matter is now listed for 10.12.2018 and the respondents are yet to file their written statement.

Learned counsel for the petitioners submits that even after the passage of nearly six months the Trial Court is yet to decide the application for stay filed by the petitioners under Order 39 Rules 1 and 2 CPC and that the respondents are intentionally delaying the matter by not filing their written statement.

Without opining on the merits of the matter but being of the

view that the application for stay should be decided as soon as possible because if that is not done then the very purpose of such remedy is defeated, the Trial Court is directed to adjudicate upon the application for stay filed by the petitioners under Order 39 Rules 1 and 2 CPC at the earliest but not later than six weeks from the date next fixed before it.

The present petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

22.10.2018  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |