

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 104 (2)

CR-8469-2016 (O&M)

Date of decision : 28.08.2018

Jasbir Singh

..... Petitioner

VERSUS

Gram Panchayat, Village
Dolon Khurd and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pushpinder Kaushal, Advocate, for the petitioner.

Mr. Gurcharan Dass, Advocate, for respondent No. 1.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 30.09.2016, passed by the Civil Judge (Junior Division), Ludhiana (for short, the Trial Court) through which notice in the application for stay filed by the petitioner/plaintiff was issued to respondent/defendant No. 1 without grant of interim injunction.

After hearing learned counsel for the parties and perusing the record, the essential facts which have emerged are that the petitioner had filed a suit before the Trial Court seeking therein permanent injunction to restrain respondent No. 1 as also its agents/attorneys/employees/assignees etc. from dispossessing/interfering in the peaceful possession of the petitioner over the property detailed and described in the head note of the plaint. Alongwith the suit an application under Order 39 Rules 1 and 2 CPC was also filed. On 30.09.2016, the Trial Court after registering the suit issued notice of the aforesaid application to respondent No. 1. However, ex-parte ad interim injunction was not granted. It is this order which is under challenge in the present proceedings.

In September, 2016 the petitioner had filed a suit seeking therein permanent injunction. Alongwith the suit an application for ad-interim injunction was also filed. Even after the passage of nearly two years the application for ad-interim injunction has not been decided.

Learned counsel for the parties have apprised the Court that the next date before the Trial Court in the aforesaid ad-interim injunction application is 06.09.2018. That being so, the present petition is disposed of with a direction to the Trial Court to take a final decision on the aforesaid stay application filed by the petitioner on 06.09.2018 itself, in accordance with law.

28.08.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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