

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

**CR No.2425-2019 (O&M)
Date of decision : 11.04.2019**

Anoop Sood

..... Petitioner

Versus

M.P.S. Chawla and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr.Sangram S. Saron, Advocate for the petitioner

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Heard.

Petitioner is aggrieved by the order dated 5.4.2019, vide which, learned Civil Judge (Junior Division), Chandigarh after receipt of the suit issued notice on application under Order 39 Rule 1 and 2 CPC for 22.4.2019. The petitioner is aggrieved by the fact that his application under Order 39 Rule 1 and 2 CPC was not decided and ex-parte injunction was not granted to him.

I am of the view that as a rule, the other party is to be heard and only in cases where the Court is of the view that purpose of the suit will be defeated by delay, ex-parte injunction can be granted. Court has exercised the discretion to hear the opposite party. Therefore, there is no illegality or infirmity in the impugned order. If the petitioner feels that there is some urgency, he can always make a request to the trial Court for pre-poning the case or deciding the matter before 25.4.2019, when possession is slated to be delivered.

Dismissed.

11.04.2019

gk

(Kuldip Singh)

Judge

Whether speaking/reasoned

Yes

Whether reportable

No