

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

**C. R No. 4302 of 2019
Date of decision : 19.08.2019**

Harjit Kaur and ors.Petitioners

versus

Rachpal Singh and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.S. Gandhi, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 30.03.2019 (P-1) passed by learned Civil Judge Jr. Divn-cum-RC-cum-JMIC, Amritsar.

Learned counsel for the petitioners submits that the petitioners filed a suit for declaration that the agreement to sell executed by defendant Nos. 1, 2 and Darshan Kaur in favour of Anand Kishore and Malkiat Singh is null and void document to the extent of plaintiffs and defendant No. 5's share in the property. The petitioner filed an application with the suit under Order 39 Rule 1 and 2 CPC for grant of stay during the pendency of the suit in which parties were directed to maintain status quo, vide order dated 14.03.2019 (P-4). But now vide impugned order dated 30.03.2019, the ex parte status quo order was vacated as the plaintiff has not made compliance of Order 39 Rule 3 CPC.

Learned counsel for the petitioners submits that after the service of the defendants, even written statement has not been filed by defendant Nos. 3 and 4 till date. Further it is a well settled law that a client

should not suffer because of the mistake of the counsel, who has not complied with the provisions.

Keeping in view that this was a procedural lapse, order dated 30.03.2019 passed by learned Civil Judge Jr. Divn-cum-RC-cum-JMIC, Amritsar is hereby set aside, subject to deposit of Rs.5000/- as costs which is to be deposited before the District Legal Services Authority, Amritsar. The parties are directed to maintain status quo with regard to existing position in the suit property.

19.08.2019

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No