

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

**C. R No. 5935 of 2019
Date of decision : 20.09.2019**

Surinder SinghPetitioner
versus

Narinder Singh and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 16.09.2019 passed by learned District Judge whereby the ad interim injunction has not been given to the petitioner and the appeal has been adjourned to 25.09.2019.

At the very outset, learned counsel for the petitioner has referred to the judgment passed by Hon'ble the Supreme Court in a case of ***Mool Chand Yadav and another v. Raza Buland Sugar Company Ltd, Ramput and others, 1982 (3) SCC 484***, wherein while considering the object of Order 41 Rule 5 CPC, it has been observed that during the pendency of appeal, operation of order having serious consequences, must be suspended.

In the present case, the objections preferred by the petitioner were dismissed vide order dated 06.09.2019(P-5) and in this order, it has been mentioned that the warrants of possession be ordered to be executed with police help on 21.09.2019. An appeal has been preferred by the petitioner against the said order (P-6) along with application under Order 41

rule 5 CPC (P-7) but vide impugned order dated 16.09.2019, the petitioner has been denied ad interim injunction.

Keeping in view the above fact, the present petition stands disposed of and it is directed that operation of warrants of possession shall remain stayed till 25.09.2019 and the Appellate Court will consider the stay application of the petitioner on that day.

A copy of this order be given dasti under the signatures of Court Secretary attached to this Court.

20.09.2019

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No