IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8261 of 2019(O&M)
Date of Decision: 20.12.2019

Major Gurcharan Singh Ahluwalia (retd.) and another
.....Petitioners

Versus

Manjit Singh and others **.....Respondents**

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Aditya Jain , Advocate
for the petitioners.

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RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has laid challenge to the order dated 23.10.2019 passed by Civil Judge (Junior Division), Ludhiana.

[2]. Perusal of the order dated 07.11.2019 passed by the High Court in CWP No.27467 of 2019 would show that *prima facie* this Court was of the view that the filing of application by the Bank was an afterthought and the same was filed only after they were served in the writ petition. This Court observed as under:-

> *"Prima facie, this Court is of the view that the filing of the application at the hands of the respondent bank was an after thought and only after they had been served of the proceedings in the instant writ petition. In*

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all fairness the bank ought to have sought directions/clarification as regards freezing of the accounts prior to having already done so. An application was moved only on 22.10.2019, whereas the accounts had already been frozen prior in point of time i.e. on 5.8.2019.

Be that as it may, the civil court at Ludhiana is now seized of the issue. Court has been informed that an application has also been filed by defendants no.1 and 2 in the suit and who happen to be the Chairman and President of the petitioner society seeking permission of the court for defreezing and for operating the accounts in question.

In view of the peculiar facts and circumstances of the case, the instant writ petition is disposed of with a direction to the Trial Court at Ludhiana to decide the application moved on behalf of the President of the petitioner society expeditiously and in any case within a period of six weeks from today.

Petition is disposed of."

[3]. Thereafter, the order dated 06.12.2019, has been passed by Civil Judge (Junior Division), Ludhiana, wherein it has been recorded that the Court deems it fit to direct both the parties that the accounts in question may not be operated without prior permission of the Court till disposal of the application under Order 39 Rules 1 and 2 CPC which is pending before the trial Court.

[4]. During course of arguments, learned counsel for the

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petitioner submits that the aforesaid application under Order 39 Rules 1 and 2 CPC is still pending and is fixed for today before the trial Court.

[5]. In view of nature of order which this Court proposes to pass at this stage, there is no need to issue any notice of motion as no order prejudicial to the interest of anyone is being passed.

[6]. In view of facts and circumstances of the case, it would be just and expedient to direct the trial Court to decide the pending application under Order 39 Rules 1 and 2 CPC at the earliest, preferably within a period of two weeks from the date of receipt of certified copy of this order.

[7]. Disposed of.

20.12.2019 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No

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