

CR-588-2018 (O&M)

Date of decision: 17.01.2020

Rajesh

.....Petitioner

versus

Kanta Devi and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. B.S. Bedi, Advocate
for the petitioner.Mr. A.K. Gupta, Advocate
for the respondents.**FATEH DEEP SINGH, J.**

Heard learned counsel of both the sides and perused the records.

Undisputedly, the civil suit for permanent injunction was filed by Kanta Devi and Satish Kumar, now respondents against Rajesh and others, now petitioners.

In the said suit, the application under order 39 Rule 1 and 2 read with Section 151 CPC was moved for interim injunction by the plaintiff's side. The Court of the learned Additional Civil Judge, Karnal vide orders dated 07.12.2017, while allowing the application, directed restraining the respondents No.1 to 7 from

interfering into the possession of the plaintiff as well as defendants No. 8 to 10 not to dispossess the plaintiff except in due course of law. The same was challenged by the unsuccessful defendants, Rajesh and others, by way of miscellaneous appeal, before the Court of the learned Additional District Judge, Karnal and through the impugned findings, the Court below upholding the findings of the learned Trial Court, dismissed the appeal and same is the subject matter of the present revision by the unsuccessful defendants.

As is conceded too at the bar by the two sides that by now, the evidence of the plaintiff has been completed and closed, whereas, out of the evidence of the defendant, only two official witnesses, are to be examined and the matter is listed for 03.02.2020.

Be so as it is projected and could not be displaced it would be in the interest of the parties that at this juncture, this Court may not give any opinion at this fag end of the trial of the suit and a pure simplicitor permanent injunction would be prejudicial to their interest. It would sub-serve the ends of justice, if the present revision petition stands disposed off with the directions to the learned Trial Court to complete the evidence and dispose off the suit within 15 days from 03.02.2020 by giving short adjournments by adopting due process of law.

Disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

17.01.2020
Neha

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