

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

CR No. 2125 of 2020 (O&M)

Date of Decision: 28th September, 2020.

Lancers International School

.....Petitioner

Versus

Shwetabh Lall and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Rahul Garg and Mr. Sumit Gahalawat, Advocates
for the petitioner.

Mr. Pankaj Mulwani, DAG Haryana.

Mr. Gaurav Chopra, Advocate
for the respondents.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This Civil Revision Petition is directing against the order dated 29.7.2020 passed by the Civil Judge Junior Division, Gurugram, whereby the application under Order VII Rule 11 of the Civil Procedure Code (for short 'CPC') was dismissed. The matter pertains to an injunction suit filed by the parents of the wards studying in the school of the petitioner being aggrieved of the manifold increase in the school fee.

On 17th August, 2020, following order was passed.

"This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

During the course of arguments, it is agreed between the parties that an effort shall be made to resolve the dispute, which has arisen specifically keeping in view the interest of the children whose education may otherwise be hampered.

Mr. D.S.Patwalia, Sr. Advocate, on categorical instructions from Mr. Sumit Gehlot, Advocate, states that in the meanwhile, the petitioner has no objection whatsoever, in case, wards of the

respondents access online education, which is being provided by the petitioner.

Learned counsel for the parties, assure that an effort shall be made to resolve the matter and the grievances as narrated in the civil suit, shall be looked into by the petitioner and an endeavour shall be made to discuss the matter with all the respondents through video call/ conferencing.

Learned counsel for the respondents submits that a request for an adjournment till the next date of hearing in this petition, shall be addressed before the learned trial Court and the matter shall not be pursued by the respondents till the said date, in order to facilitate mediation. List on 28.09.2020. "

Today learned counsel for the parties submits that though there was an effort made to resolve the matter but it has yet not achieved the desire fruit. In order to make out a workable solution with the consent of the counsels, following interim working mechanism is made pending the suit.

(i) The Civil Court with the cooperation of both the parties and Covid situation so permitting would make its best effort to conclude the suit proceedings within three months.

(ii) The issues raised in application under Order VII Rule 11 CPC are kept open to be decided along with main suit.

(iii) In the meantime, to balance the equities, let the plaintiffs deposit 50% of the demanded fee with the school and rest of the 50% with the Civil Court concerned.

(iv) The amount deposited with the Civil Court shall be kept in an FDR in a nationalized bank and would be subject to outcome of the decision of the suit.

(v) It is clarified that the deposit of the amount by the plaintiffs either with the school or with the Court will not create any equity or prejudice against any of the parties.

(vi) In the meantime, even during pendency of the suit, it is expected that the parties would make an endeavour to amicably settle the matter.

The Civil Revision Petition is disposed of accordingly.

28th September, 2020.
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes