

220

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

**CR No.2142 of 2020 (O&M)
Date of Decision: 22.09.2020**

CHARANJIT SINGH

.....Petitioner

Vs

GIRDAWAR SINGH AND OTHERS

.....Respondents

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

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Sandeep Sharma, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this petition under Article 227 of the Constitution of India for directing the trial Court to strictly implement and act as per directions issued by Administrative Committee of this Court in view of situation arising out of Novel Coronavirus (COVID-19).

Learned counsel for the petitioner submitted that a suit for permanent injunction along with an application for interim injunction was entertained by the trial Court on urgent basis and

ex parte ad interim injunction in terms of Order 39 Rules 1 and 2 CPC was granted vide order dated 22.05.2020.

As per requirement of Order 39 Rule 3-A CPC, the application has to be finally decided within a period of 30 days. The suit itself was entertained as of urgent nature during COVID-19. While granting ad interim injunction, notice was issued by the trial Court for 29.05.2020. Thereafter the trial Court adjourned the case for 22.09.2020 i.e. for today on the ground of observing precautionary measures in the wake of pandemic Novel Coronavirus (COVID-19).

The grievance of the petitioner is that the suit was filed by the plaintiff in collusion with his brother/co-sharers seeking restraint against alienation. The petitioner is proposed vendee, who has already parted huge amount of Rs.45 lakhs in favour of defendants No.1 and 2 on the basis of agreement to sell dated 19.05.2020.

By referring to the guidelines dated 10.06.2020 issued by this Court, learned counsel further submitted that the suit itself was entertained in urgent category, therefore, the application under Order 39 Rules 1 and 2 CPC ought to have been decided on urgent basis. Even requirement of law in terms of Order 39 Rule 3-A CPC also mandates early disposal of the application in a time bound manner.

It has come on record that an appeal preferred by the petitioner before the Addl. Sessions Judge has been withdrawn on 04.09.2020 and in the application for preponing the date of hearing at the instance of the petitioner, the trial Court has preponed the date of hearing to 01.10.2020 for consideration on the application for *ad interim* injunction.

Learned counsel for respondent No.1 has no serious objection in case the said application is decided by the trial Court in accordance with law on the date fixed i.e. 01.10.2020.

In view of guidelines issued by this Court and also in the circumstances in which the suit was entertained, I leave the aspect of feasibility for disposal of the application to the trial Court. The trial Court shall determine the feasibility to decide the application on the date fixed in accordance with law.

In view of aforesaid, the present petition is disposed of.

September 22, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No