

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

:-

C.R No. 7087 of 2019

Date of decision: 07.01.2020

Sombir

... Petitioner

Vs.

Suresh & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. R.A. Sheoran, Advocate, for the petitioner.

ALKA SARIN, J.

The present revision petition has been filed challenging the order dated 19.10.2019 (Annexure P-3), whereby the case was adjourned to 16.11.2019 for filing of written statement and reply to the injunction application. However, vide the said order dated 19.10.2019, the learned trial Court also did not deem it appropriate to grant interim injunction at that stage. Against the said order the petitioner preferred an appeal but, however, withdrew the same as no appeal was maintainable against the interim order. Thereafter, the present revision petition was filed.

Notice of motion was issued on 20.11.2019 when the following order was passed:-

“ Ld. Counsel for the petitioner submits inter alia that the interim relief in favour of the petitioner-plaintiff was declined by the Ld. Trial Court vide its impugned order passed on 19.10.2019 (Annexure P-3) on the ground that it was the submission of the contesting respondents, who had yet to file their written statement/reply to the injunction application that they were not making any encroachments but only reconstructing their existing houses, which were in dilapidated condition. Thereafter, the matter was adjourned to 16.11.2019 for filing written

statement/reply for the contesting respondents, which was, however, not done by them and the matter has now been adjourned for that purpose to 20.12.2019 without any interim relief being granted to the petitioner. He submits further that the petitioner-plaintiff would be satisfied, if respondents No.12 and 13 give an undertaking before the Ld. trial Court that they shall remove the constructions raised by them in case the same is found to be on an area in excess of their shares in the disputed land.

Notice of motion to respondents No.12 and 13 only, at this stage, for 09.12.2019.

To be served dasti.”

Today, Mr. Sumit Sangwan, Advocate, has put in appearance on behalf of respondent Nos. 12 and 13.

I have heard learned counsels for the parties.

Admittedly, the application for interim injunction is still pending before the trial Court and in that view of the matter there can possibly be no challenge to the order (Annexure P-3) dated 19.10.2019. However, faced with the said situation learned counsel for the petitioner states that he would be satisfied if the trial Court is directed to decide the application for interim injunction within a time bound manner.

I find the request made by the learned counsel for the petitioner to be reasonable. Accordingly, the learned trial Court is requested to decide the interim injunction application within a period of 15 days from the date of receipt of certified copy of this order.

In view of the above, present revision petition stands disposed of.

January 07, 2019
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No