

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 256 of 2021 (O&M)

Date of Decision: 19.04.2021

Raj Kumar

.....Petitioner

Versus

Somanshu and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Aman Bansal, Advocate
for respondents no.1 to 3.

None for respondents no.4 and 5.

LISA GILL, J(Oral).

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

Prayer in this revision petition is for setting aside order dated 25.01.2021, passed by learned Civil Judge (Jr. Division), Palwal, whereby order dated 06.11.2020, wherein ad interim stay on construction over suit property granted on 16.10.2020 was vacated, stands revived.

Primary grievance raised by the petitioner is that petitioner's right to appeal stands infringed, once, ad-interim stay has been vacated while application under Order 39 Rule 1 and 2 filed by the petitioner is still pending.

Learned counsel for the petitioner submits that service upon all the respondents before the learned trial Court is complete. Learned counsel for the petitioner, at this stage, raises a limited prayer for final disposal of application under Order 39 Rule 1 and 2 read with Section 151 CPC, Annexure P-3, by the learned trial Court in a time bound manner.

Mr. Aman Bansal, Advocate, learned counsel for respondents no.1 to 3 does not raise any objection thereto.

Keeping in view the facts and circumstances as above, this revision petition is disposed of with a direction to the learned trial Court to finally dispose of application under Order 39 Rule 1 and 2 read with Section 151 CPC, Annexure P-3, expeditiously and preferably within three weeks from the receipt of certified copy of this order. Needless to say there is no expression of opinion on the merits of the controversy.

19.04.2021
s.khan

[LISA GILL]
Judge

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