

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

CR No.353 of 2021 (O&M)
Date of Decision: 22.02.2021

Ezee Flights Travel

....Petitioner

VERSUS

Gurdas Ram and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sushant Kareer, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is a petition under Article 227 of the Constitution of India for a direction to the learned Civil Judge (Junior Division), SAS Nagar to decide the application filed by the petitioner seeking police help for implementation of stay order dated 04.07.2020.

Learned counsel for the petitioner would contend that as the petitioner and his employees were being prevented from entering the premises taken on rent by the petitioner from the respondents, the petitioner was compelled to file a civil suit (*CS/336/2020 titled as "EZEE Flights Travel vs. Gurdas Ram & another"*), which is pending before learned Civil Judge (Sr. Division), SAS Nagar, for issuance of permanent injunction restraining the defendants from interfering in the possession of the plaintiff-petitioner in the office space at Fourth Floor 1107 sq. ft. of Plot No.D-258, Phase 8-A, Industrial Area, Sector 75, SAS Nagar Mohali. Learned counsel for the petitioner would further contend that vide order dated 04.07.2020, *ex parte* stay was granted in favour of the plaintiff-petitioner, which was

thereafter confirmed vide order dated 16.07.2020, after hearing both the parties. Learned counsel for the petitioner has contended that despite the orders restraining the defendants-respondents from interfering in possession of the plaintiff-petitioner, the petitioner and his employees were not being permitted to enter the premises. He, thereafter, moved application dated 04.09.2020 under Section 151 CPC seeking police help for implementation of stay orders dated 04.07.2020 and 16.07.2020. Till date the said application is pending. Learned counsel for the petitioner at this stage limits his prayer in the present petition and states that he would be satisfied if a direction is issued to learned Civil Judge (Junior Division), SAS Nagar to decide the application dated 04.09.2020 filed under Section 151 CPC seeking police help expeditiously.

In view of the limited prayer made by learned counsel for the petitioner and the fact that the present petition is not being decided on merits, there is no necessity of issuing notice to the respondents. In view of the limited prayer, the present petition is disposed off with a request to the learned Civil Judge (Junior Division), SAS Nagar to decide the application dated 04.09.2020 filed under Section 151 CPC by the petitioner expeditiously and to make an endeavour to take a decision thereon on the next date of hearing.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

22nd February, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO