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

**CM-2940-CII/2021 in
CM No.1626-CII of 2021 in/and
CR-300-2021 (O&M)
DATE OF DECISION: 16.03.2021**

Yishu Nanda

.....Petitioner

Versus

Balwant Rai and Others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Priyanka Sud, Advocate for the petitioner.

Mr. Mrigank Sharma, Advocate, for respondent Nos.1 to 5.

ALKA SARIN, J. (Oral):

Taken up through Physical Mode.

CM-2940-CII-2021 in CM No.1626-CII of 2021:

This is an application for placing on record reply on behalf of respondent Nos.1 to 5 to the application for stay.

Allowed subject to all just exceptions. The reply along with documents are taken on record.

CR-300-2021:

The prayer in the present petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 28.01.2021 (Annexure P-1) whereby ad-interim injunction was not granted to the petitioner-herein. The matter came up before this Court on 17.02.2021 and the following order was passed:-

“ *Taken up through video conferencing.*

Learned counsel for the petitioner contends that the present suit has been filed by the petitioner for permanent

injunction restraining the defendant-respondents No.1 to 6 from raising any type of construction on the land measuring 1 Bigha 9 Biswa comprising in Khewat Nos.23/22 and 24/23, Khatoni Nos.23 and 24, Khasra No.154/2(1-7), 286/42/2 (0-2), as well as for mandatory injunction to defendant-respondent Nos.1 to 6 to demolish the illegal construction done by them. Learned counsel for the petitioner would further contend that this land came to the share of the predecessor-in-interest i.e Usha Loganey, which is evident from the sanadtakseem appended as Annexure P-5 with the petition. Thereafter, the said property was inherited by the petitioner and mutation qua the same has been appended as Annexure P-8.

*Notice of motion returnable **16.03.2021.***

In the meantime, status quo as it exists today be maintained.”

Mr. Mrigank Sharma, Advocate has put in appearance on behalf of the respondent Nos.1 to 5 and has filed a short reply wherein it has been stated that the main application under Order 39 Rules 1 and 2 CPC is still pending before the Trial Court and that the same has not been finally decided.

I have heard learned counsel for the parties. In the present case though vide order dated 28.01.2021 (Annexure P-1) ad-interim injunction was not granted to the plaintiff-petitioner, however, it transpires that the application filed under Order 39 Rules 1 and 2 CPC is still pending before the Trial Court.

In view of the reply filed by the learned counsel for the respondent Nos.1 to 5 stating therein that they would file their reply to the application under Order 39 Rules 1 and 2 CPC before the Trial Court so that the matter can be finally dealt with and disposed off after hearing both the

parties, I deem it appropriate to dispose off the present revision petition with a request to the Trial Court to decide the application filed under Order 39 Rules 1 and 2 CPC, as expeditiously as possible. Till the final adjudication on the application filed under Order 39 Rules 1 and 2 CPC, status quo in the matter shall be maintained.

Any observation made herein-above shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

March 16, 2021
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(ALKA SARIN)
JUDGE

NOTE:

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