

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-1188-2021

Date of Decision: 30.7.2021

Khadak Singh

....Petitioner

VERSUS

Sat Parkash and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajesh Goyal, Advocate
for the petitioner (s).

Mr. Anil Dutt, Advocate,
for respondents No.1 and 2.

Mr. Rajesh Bansal, Advocate,
for respondents No.3 and 4.

Mr. Ranvir Arya, Advocate,
for respondent No.5.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

This revision petition has been filed by the petitioner
impugning order dated 23.2.2021 (Annexure P-1) passed by the Court of
Civil Judge, Junior Division, Samalkha in civil suit titled as Khadak Singh
v. Sat Parkash and others whereby the suit was adjourned without passing
any order on the application moved by the petitioner for grant of ad-interim
injunction.

Only grievance of the petitioner is that till date, the application
moved by the petitioner under Order 39 Rule 1 & 2 CPC has not been
decided by the Court of Civil Judge, Junior Division, Samalkha where the

the suit and the injunction application has not been disputed by the counsel for the respondents. As in this case, stay application of the petitioner moved under Order 39 Rule 1 & 2 CPC is pending since institution of the suit being filed in February, 2021, no observation on merits of the case could be made at this stage. The trial Court has got statutory obligation to decide the injunction application of the petitioner at the earliest but it failed to do so and rather adjourned the case to January, 2022.

Thus, without commenting on the merits of the case, the present revision petition is hereby disposed of with a direction to the Court concerned to decide the stay application of the petitioner in accordance with law within a period of 30 days of the passing of this order, after hearing both the parties. In the meantime, the trial Court should also provide opportunity to the respondents to file their written statement/replies, within next 10 days from today.

July 30, 2021

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No