

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

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**C.R. No. 1190 of 2021 (O & M)
Decided on :25.06.2021**

Ajimdeen and others

... Petitioners

Versus

Smt. Reshma and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present : Mr. Sunny Bhardwaj, Advocate,
for the petitioners.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India seeking setting aside of the orders dated 16.06.2021 and 21.06.2021 passed by the Addition District Judge, Hisar (Annexures P-8 and P-9).

A perusal of the said orders would go on to show that an appeal was filed by the plaintiffs-petitioners, which has been entertained by the Lower Appellate Court and notice has been issued to the respondents-defendants, which is now stated to be pending for 28.06.2021.

However, further perusal of the orders of the Civil Judge (Jr. Divn.), Hansi dated 26.05.2021 and 31.05.2021 (Annexures P-6 and P-7) would go on to show that the said interim injunction application could not be decided on account of the fact that defendants no. 1 and 2 remained unserved for want of complete address. However, counsel for defendants no. 3 to 6 had already put in appearance on an earlier occasion on 26.05.2021. Thus, directions were issued on 31.05.2021 by the Civil Judge (Jr. Divn.), Hansi to file complete address of defendants (Annexure P-7) for 02.08.2021.

Thus, it is apparent that the matter is now pending for 02.08.2021 for service of defendants no. 1 and 2.

In such circumstances, this Court is of the opinion that there is no occasion, as such, to entertain the present revision petition as the petitioners-plaintiffs themselves have not bothered to serve respondents no. 1 and 2 but are seeking interim injunction in the meantime.

Accordingly, the present revision petition is disposed of with liberty to the petitioners to approach Civil Judge (Jr. Divn.), Hansi, by filing appropriate application showing that service has been effected upon defendants no. 1 and 2 and requesting the said Court to decide the application under Order 39 Rules 1 & 2 CPC, thereafter. It is open to the petitioners to take a fresh *dasti* process for the unserved defendants to ensure that the Trial Court, as such, can pass orders on the interim injunction application after service is completed.

The petition stands accordingly disposed of with the aforesaid directions.

25.06.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No