

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

(Sr. No. 120)

CR No. 1272 of 2021

Date of decision : 28.07.2021

Ajay Kumar Sood @ Ravi Kumar

.....Petitioner

Versus

Chander Mohan Sood @ Mohan Lal and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Manuj Nagrath, Advocate for the petitioner.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Article 227 of the Constitution of India for issuance of the directions to the Civil Judge (Junior Division), Nakodar (for short – the Trial Court) to expeditiously decide the application filed by the petitioner under Order 39 Rules 1 and 2 CPC in civil suit No. 315 of 2020 – Ajay Kumar Sood Vs. Chander Mohan Sood and another.

The relevant facts which need to be noticed are that the petitioner filed a suit under Sections 5 and 37 of the Specific Relief Act, 1963 for the grant of a decree for separate possession by way of partition of the property detailed and described in the head-note of his plaint. Along with the suit an application under Order 39 Rules 1 and 2 CPC for interim injunction was also filed.

On 29.07.2020 the petitioner's suit, along with the application

for interim stay, came up for preliminary hearing before the Trial Court. The matter was adjourned to 30.07.2020 on which date the Trial Court was of the opinion that the petitioner/plaintiff was not entitled to the grant of *ex parte* interim injunction and deemed it appropriate to hear the respondents/defendants before granting any interim relief. Accordingly, notice in the suit as well as in the stay application was issued to the respondents/defendants in pursuance whereof, on 15.09.2020, the respondents-defendants, through counsel put in appearance. Thereafter, the matter was repeatedly adjourned to enable the respondents/defendants to file a written statement/on account of the pandemic-COVID-19.

Learned counsel for the petitioner submits that the hearing of civil matters before the Trial Court have since commenced and that since his stay application has remained pending for the last about one year, appropriate directions be issued to the Trial Court to dispose of the same in a time bound manner as for want of a decision thereupon, the petitioner is suffering irreparable loss.

Through filing of his suit, along with an application under Order 39 Rules 1 and 2 CPC seeking interim stay, the petitioner/plaintiff has availed of his statutory remedies on which, for the last about one year, no decision has been rendered as the matter has been repeatedly adjourned for enabling the respondents/defendants to file reply/on account of the pandemic-COVID-19.

Hearings in civil matters before the Trial Court have since commenced. A party is entitled to an expeditious disposal of statutory remedies availed of, especially the prayers made for the grant of interim

stay. An early decision on a lis faced by the parties prejudices none. On the other hand, indecision of the matter, especially prayers for interim relief, would certainly prejudice either party. Therefore, the present petition is disposed of with a direction to the Trial Court to take a final decision on the interim prayer made by the petitioner/plaintiff in civil suit No. 315 of 2020 – Ajay Kumar Sood Vs. Chander Mohan Sood and another within one month from the next date fixed before it, in accordance with law.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

28.07.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No