

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

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**CR-1408-2021(O&M)
Date of Order: 30.11.2021**

GAGANDEEP KUMAR

..Petitioner

Versus

RAHUL RAI @ RHINO @ KAAZI

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Vashishat, Advocate
for the petitioner.

Mr. Anuj Kumar Sharma, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

Admittedly, the plaintiff's application under Order 39 Rule 1 and 2 in a suit for declaration has not been decided by the trial Court.

The petitioner (the plaintiff) has filed this revision petition assailing correctness of order passed on 15.07.2021, whereby, the ex parte interim orders were vacated, for non-compliance of the Provisions of Order 39 Rule 3 of Code of Civil Procedure, 1908.

While issuing the notice of motion on 29.07.2021, the interim direction given by the Civil Court on 24.05.2021, was directed, to be continued.

The learned counsel representing the parties are *ad idem* that the learned trial Court has adjourned the case for 06.12.2021. The learned counsel representing the plaintiff submits that he is not available on 06.12.2021. However, he undertakes to address the arguments on 07.12.2021.

The learned counsel representing the respondent does not have objection to the aforesaid proposal.

Keeping in view the aforesaid facts, the revision petition is disposed of by directing, that the interim direction passed by the Civil Court

on 24.05.2021, shall continue to operate till the trial Court decides the application under Order 39 Rule 1 and 2 CPC.

The trial Court is requested to hear the arguments on 07.12.2021, or within a period of one week thereafter and pass orders in accordance with law.

All the pending miscellaneous applications, if any, are also disposed of.

November 30, 2021

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No