

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

**CR-1417-2021 (O&M)**

Date of decision: 30.07.2021

Jujar Singh

...Petitioner

Versus

Jasbir Kaur and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.Sudhanshu Sharma, Advocate for the petitioner

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel representing the petitioner contends that the learned trial court, without waiting for the reply to be filed by the defendants, passed the impugned order, refusing to grant injunction.

In the considered view of this Bench, the application for grant of injunction can be decided even without calling for a formal reply. Thus, the order under challenge has been passed by the court in the exercise of its power under Order 39 Rule 1 and 2 CPC. Hence, the same is appealable under Order 43 CPC. Consequently, the petitioner is relegated to the remedy before the court of the District Judge.

Disposed of.

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

30.07.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)  
JUDGE**