

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

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CR No.1880 of 2021 (O&M)
DATE OF DECISION : 16th NOVEMBER, 2021

Jashanpreet Singh

.... Petitioner

Versus

Bank of India and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Divanshu Jain, Advocate for the petitioner.

Mr. Chetan Mittal, Senior Advocate with
Mr. Udit Garg and Ms. Shifali Goyal, Advocates,
for the respondents.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.09.2021 (Annexure P-12) passed by the Civil Judge (Junior Division), Chandigarh.

It is submitted by learned counsel for the petitioner that the Court below has not passed any order qua the ad-interim injunction prayer made by the petitioner. On the contrary, only notice has been issued in the case and the matter has been adjourned for a long date.

On the other hand, learned counsel for the respondents has pointed out that the Court has, infact, passed an order qua the ad-interim injunction, as well. However, for passing a final order on the application moved under Order 39 Rules 1 and 2 CPC, the matter was adjourned by

the trial Court; so as to seek response from the respondents. Hence, it is submitted by the counsel for the respondents that since the ad-interim injunction has been declined by the Court below, therefore, the order, which is impugned in the present petition, would be an appealable order under Order 43 of CPC.

Having heard the counsel for the parties and having perused the impugned order, this Court finds that although the order passed by the Court below; is not so happily worded, however, the very first line in the second paragraph of the order passed by the Court below clearly says that *“At this stage, no ground is made out to grant ex parte ad interim injunction”* and thereafter it has been observed that before passing any order on application under Order 39 Rules 1 and 2 CPC, it would be appropriate to hear the other party. Hence, it is obvious that the ad-interim injunction sought by the petitioner has been declined by the Court below. The order declining of the ad-interim injunction is appealable under the provisions of CPC. Hence, this Court does not deem it appropriate to interfere in the matter. Therefore, the present revision petition is dismissed.

However, the petitioner would be at liberty to avail his statutory remedy of appeal, but in accordance with law.

All pending miscellaneous application(s), if any, stands disposed of as such.

16th NOVEMBER, 2021
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>