

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

CR-1953-2021 (O&M)

Date of Decision: 17.09.2021

RAJ KUMARI AND OTHERS

..... Petitioner(s)

Versus

DEV RAJ

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Bali, Advocate
for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this revision petition is for directing the learned trial Court to finally adjudicate upon the application under Order 39 Rules 1 and 2 CPC, filed by the respondent/plaintiff along with the civil suit for permanent injunction for restraining the present petitioners/defendants from alienating, transferring, mortgaging the property in question and for restraining the present petitioners/defendants from raising any kind of construction thereon.

Learned counsel for the petitioners submits that petitioners have purchased the property in question from none other but the brothers of the plaintiffs. Without adverting to the merits of the case, it is submitted that petitioners are aggrieved of pendency of this application since 11.05.2021, on which date an ex-parte injunction was granted in favour of

the plaintiff and defendants were restrained from raising any construction over the property in question. Written statement on behalf of the petitioners/defendants, it is submitted, was filed on 26.05.2021 itself, though the matter stood adjourned to 01.07.2021. Application for preponement of the matter was filed on 25.05.2021. Plaintiff, it is submitted did not even appear on 01.07.2021 and matter was adjourned to 05.07.2021 for filing of replication. None was present on behalf of the parties on 05.07.2021 due to outbreak of pandemic COVID-19. As Presiding Officer was on joining time, matter was adjourned to 27.07.2021, on which date replication was filed and matter adjourned to 11.08.2021 for consideration of application for stay. Perusal of zimni orders attached with the petition reveal that none appeared on 11.08.2021 and 01.09.2021 and matter stands adjourned to 23.09.2021. Petitioners raise a limited prayer that the matter be decided on the said date. Respondent-plaintiff, it is submitted, on account of ex-parte interim injunction is trying to delay the matter without any justification.

I have heard learned counsel for the petitioner.

Keeping in view the facts and circumstances at this stage, I do not find any ground to issue a specific direction to the learned trial Court for disposal of the application on a particular date, there being no reason to assume that learned trial Court being conscious of the specific provisions of the Civil Procedure Code would not take necessary action as per law.

This revision petition is dismissed. However, petitioners are at liberty to address prayer as raised in this petition before the learned trial Court.

17.09.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No