

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

CR No.3028 of 2021 (O&M)

DATE OF DECISION: 06.12.2021

M/s Golden Infrastructure Private Limited

.....Petitioner

versus

Jagtar Singh

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Dheeraj Mahajan, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Heard in physical mode.

The prayer in the present petition under Article 227 of the Constitution of India is for partly setting aside the order dated 10.11.2021 (Annexure P-8) whereby no interim protection has been granted to the petitioner by the lower Appellate Court.

Learned senior counsel for the petitioner would contend that vide the impugned order the learned lower Appellate Court has simply issued notice and adjourned the matter to 15.12.2021 without granting any interim relief to the plaintiff-petitioner and, hence, seeks to challenge the same. It has further been contended by the learned senior counsel that the plaintiff-petitioner came to know that the defendant-respondent is trying to strike a deal qua the suit land including the share of the plaintiff-petitioner with some other person and would dispose off the suit land by

ignoring the rights of the plaintiff-petitioner and, hence, in case the interim relief is not granted the suit itself would be rendered infructuous. In support of his arguments, learned senior counsel has relied upon a judgment of the Supreme Court in **Maharwal Khewaji Trust (Regd.) vs. Baldev Dass** reported as (2004) 8 Supreme Court Cases 488.

Heard.

Vide order dated 10.11.2021 the learned lower Appellate Court has adjourned the matter while issuing notice of the application to the non-applicant/respondent. The Court is well within its rights to call upon the other side before adjudicating on whether the interim relief ought to be granted. The matter now stands adjourned to 15.12.2021. I do not see any reason to interfere in the impugned order.

Dismissed. Learned lower Appellate Court is, however, requested to try and decide the issue of interim relief on the next date of hearing i.e. 15.12.2021.

(ALKA SARIN)
JUDGE

06.12.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO