

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

Sr. No.119

CR-567-2022 (O&M)
Date of decision : 03.03.2022

Payal Mankand

..... Petitioner

VERSUS

Kirti Bardhan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Diksha Verma, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

An application under Order 39 Rule 2 (A) CPC has been filed as the defendants have allegedly violated order of *ad interim* injunction granted by the trial Court. The trial Court has restrained the alienation of the suit property during the pendency of the suit and in violation thereof allegedly, a lease deed has been executed by the plaintiff. Thus, the application under Order 39 Rule 2 (A) CPC has been filed in which awaiting filing of reply of the petitioner, the trial Court has observed that the lease deed does not create any rights in favour of the lessee/s.

Learned counsel for the petitioner has argued that the order has been passed in violation of principles of natural justice. The petitioner should have been permitted to file her reply before passing the order.

Admittedly, the application has not been finally decided. It is still pending adjudication. The petitioner has been given an opportunity to file her reply thereto and thus, the argument that the order has been passed without permitting her to file a reply cannot be accepted. At the time of decision of the main application, the order impugned in this revision petition can always be varied by the trial Court if it so feels proper.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

03.03.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No