

170 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1335-2022 (O&M)
Date of Decision : 19.04.2022

Punit Miglani ...Petitioner

Versus

Ranjit Singh Khurana and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Sunil Chadha, Sr. Advocate with
Ms. Swati Verma, Advocate for the petitioner.

Mr. Kawaljit Singh, Sr. Advocate with
Mr. Karanjot Singh Jhikka, Advocate
Mr. Maninder Singh Saini, Advocate
for the respondents.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Article 227 of the Constitution of India is for setting aside judgment, Annexure P-3, dated 24.03.2022 passed in CMA/1/2021 by the learned Additional District Judge, Kapurthala, setting aside order, Annexure P-2, dated 22.12.2020 passed by the learned Civil Judge (Junior Division), Phagwara granting interim injunction dated 13.11.2020 in favour of the petitioner-plaintiff.

2. Learned counsel contends that the learned Civil Judge (Junior Division), Phagwara had granted an interim injunction vide order dated 13.11.2020 which was made absolute vide order, Annexure P-2 dated 22.12.2020. However, the same was set aside by the learned Additional District Judge, Kapurthala, vide judgment, Annexure P-3 dated 24.03.2022, in CMA/1/2021. Learned counsel contends that the impugned order is contrary to well-settled law as the Appellate Court

could not have re-assessed the material considered by the learned trial Court to reach at a conclusion different from the one reached by the trial Court as the conclusion arrived at by the trial Court was reasonably possible on the material produced before it. In support of the aforementioned plea, learned Sr. counsel relies upon the decision of Hon'ble the Supreme Court in Civil Appeal No. 1984 of 2022 titled as "Shyam Sel and Power Limited and another Vs. Shyam Steel Industries Limited".

3. Notice of motion.

4. Mr. Karanjot Singh Jhikka, Advocate and Mr. Maninder Singh Saini, Advocate assisting counsel to Mr. Kawaljit Singh, Sr. Advocate, accepts notice on behalf of the respondent and contends that the order passed by the learned Additional District Judge, Kapurthala in CMA/1/2021 is a well reasoned order passed in accordance with law therefore, immune from challenge.

5. However, during hearing of the matter, learned counsel for the parties on the basis of consensus pray that the instant petition be disposed of by directing the learned Civil Judge (Junior Division), Phagwara to decide Civil Suit No.345 of 2020 in a time bound period as deemed appropriate by this Court as also by directing the parties to maintain status quo in the meantime as it exists on date.

6. Learned counsel for the petitioner, on instructions from the petitioner, states that the petitioner would conclude his evidence within one month from the next date of hearing i.e. 20.04.2022 while learned counsel for respondents No.1 and 2, on instructions from respondent Nos.

1 and 2 states that respondent Nos. 1 and 2 would conclude their evidence within one month after conclusion of evidence by the petitioner-plaintiff.

7. In view of the position noted above, submission made by learned counsel for the parties, but without commenting upon the merits of the case, the instant petition is disposed of by directing the learned Civil Judge (Junior Division), Phargara to endeavour to conclude and decide Civil Suit No.345 of 2020 as per law, within four months from the date of receipt of certified copy of this order. The parties shall maintain status quo as exists today with regard to the property in question till the decision of the civil suit by the learned trial Court.

(B.S. Walia)
Judge

19.04.2022
hemlata

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