

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

Sr. No.125

**CR No. 2314 of 2022
Date of Decision: 14.07.2022**

AVTAR SINGH

...Petitioner

VERSUS

RAMANWANT KAUR VIRK DHALIWAL AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

ARCHANA PURI, J.

It is submitted by learned counsel for the petitioner that even though an application for staying the alienation of the property (Annexure P-16) was filed during the pendency of the suit, but however, the same has not been decided. Plaintiff had filed an application for preponement of the case, which was decided by learned trial Court, vide order dated 09.05.2022 (Annexure P-21), whereby the application was dismissed, but however, the file was ordered to be put up on 20.05.2022, for the purpose already fixed.

It is submitted by learned counsel that he had specifically sought preponment of the case, as there was threat of alienation of the suit property and dispossession of the plaintiff therefrom. However, on 20.05.2022, the date fixed in the case, when the matter was taken up, three applications were dismissed as withdrawn, on the statement of counsel for the petitioner, but again no order was passed vis-a-vis the staying of the alienation of the property till the decision of the application under Order 39 Rules 1 and 2 CPC. It is submitted that application under Order 39 Rule 1 and 2 CPC has not been decided, despite the suit, having been filed in the year 2016.

Also, learned counsel submits that the petitioner would be satisfied, if any direction is given to the concerned Court to dispose of the application under Order 39 Rule 1 and 2 CPC, within time frame work.

The suit is stated to be relating to the year 2016, but till date no order has been passed on the application under Order 39 Rule 1 and 2 CPC. Even, the petitioner was constrained to file separate application for staying the alienation of the suit property, during the pendency of the application under Order 39 Rule 1 and 2 CPC, for the said reason.

Considering the pressing need for the decision on the stay application, he had also filed an application for preponement of the case, which was dismissed vide order dated 09.05.2022 (Annexure P-21).

In view of the aforesaid fact situation, learned Lower Court shall consider the submission made by the petitioner/plaintiff vis-a-vis disposal of the application under Order 39 Rules 1 and 2 CPC expeditiously.

Accordingly, the present revision petition stands disposed of.

14.07.2022

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No