

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

327

CR-4186-2019 (O&M)
Date of decision: 29.09.2022

Pargat Singh and others

...Petitioners

Versus

Lehna Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- None for the petitioners.

Mr. Mayank Mathur, Advocate
for respondent No. 1.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 21.05.2019, passed by the lower appellate Court, vide which an order dated 24.05.2018, passed by the Civil Judge (Jr. Divn.), dismissing the application filed by the respondents/plaintiffs under Order 39 Rule 1 & 2 CPC was reversed.

Learned counsel for respondent No.1 submits that the suit is at the final stage of adjudication as both, the plaintiffs and defendants, have closed their evidence, however, in view of order dated 22.08.2019, wherein a direction was issued by this Court to the trial Court that the proceedings may continue but no final order shall be passed, the trial Court is unable to decide the main suit.

On the face of it, staying the further proceedings before the trial Court has no bearing with regard to passing of the impugned order as the prayer before the trial Court in the application under Order 39 Rule 1 & 2

CPC was to grant an injunction against the forcible dispossession, which was allowed by the lower appellate Court and, therefore, for all intent and purposes, it is the final adjudication of the suit, which will decide the *inter se* rights of the parties.

Therefore, the present petition is disposed of with a direction to the trial Court to decide the main suit, within a period of two months from today.

29.09.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No