

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

CR-2675-2022 (O&M)
Date of Decision: July 15, 2022

Anjani Dubey

...Petitioner

VERSUS

Maninder Singh Cheema

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Rahul Bhargava, Advocate
for the petitioner.

ARCHANA PURI, J.

Challenge in the present revision petition is to the orders dated 01.07.2022 (Annexure P-3) and 02.07.2022 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.).

It is now submitted by learned counsel for the petitioner that petitioner had filed a suit for seeking permanent injunction, restraining the defendant from interfering and disturbing in any manner or taking forcible possession of the suit property. The suit was taken up by learned Civil Judge (Jr. Divn.) on 01.07.2022 and considering the urgency involved, the case was adjourned to 02.07.2022, for consideration on an application for ad-interim injunction. However on 02.07.2022, the Court has simpliciter observed that no ground is made out for grant of any ad-interim injunction, without the hearing of opposite party first. As such, notice was ordered to

be issued to the defendant for 22.07.2022.

It is submitted by learned counsel for the petitioner that lower Court was duty bound to give brief reasons for adjournment of the case, in case of not passing any ad-interim injunction, at the initial stage. To so substantiate his claim, learned counsel for the petitioner has placed reliance upon the judgment passed by this Court in ***CR-2527-2020*** titled as ***Gagandeep Singh Arora vs. Richa Singh and others***, decided on ***19.11.2020***.

The copy of the plaint has been placed on record as Annexure P-1. Perusal of the same reveals that it is the specific claim of the petitioner-plaintiff that there is threat of forcible possession, being taken over by the defendant and therefore, she filed the suit for permanent injunction. Paragraph No.6 of the plaint clearly speaks about the defendant, having come to take forcible possession of the plot in question and his attempt was so averted. Even, there is an application under Order 39 Rule 1 and 2 CPC, placed on the record, which is Annexure P-2. Therein also, the petitioner-plaintiff had made a prayer for issuance of ad-interim injunction.

While considering the ex-parte injunction, at first instance, the case was adjourned for 02.07.2022. However, on 02.07.2022, the Court had simpliciter observed about no case made out for grant of any ad-interim injunction, without hearing of the opposite party. No reason, as such, has been assigned as to what was the necessity to defer the issuance of interim injunction, without issuance of notice to the defendant. However, it was required on the part of the lower Court to state in brief, the reasons for the adjournment further, while denying the ex-parte relief, at the initial stage.

Not doing so, jeopardizes the right of the petitioner-plaintiff,

Considering the same, the present revision petition is hereby allowed, while setting aside the order dated 02.07.2022 passed by learned Civil Judge (Jr. Divn.) in CS-208-2022.

The concerned Court shall consider an application for ad-interim injunction afresh on 22.07.2022, the date already fixed and pass a speaking order.

July 15, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No