

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

124

CR-2839-2022

Date of decision: 28.07.2022

Lakhwinder Singh

.....Petitioner

Versus

Jasvinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagvinder Singh Santwal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside of the order dated 24.05.2022 (Annexure P-3) passed by learned Additional Civil Judge (Sr. Divn.), Ellenabad whereby request for an ad-interim injunction for restraining the respondents/defendants from interfering into possession of the petitioner was declined.

Learned counsel for the petitioner submits that the impugned order is perverse and contrary to the material on record and thus deserves to be set aside. Learned counsel further submits that during pendency of an application under Order 39 Rules 1 and 2 read with Section 151 of the Civil Procedure Code, 1908 (for short, 'the Code') for grant of interim injunction, the petitioner made a prayer for grant of an ad-interim injunction till the disposal of the above said application, however, the trial Court failed to appreciate and take into account that the respondents had been continuously attempting and threatening to dispossess the petitioner from the suit land. He further submitted that the trial Court had gravely erred in recording findings

qua possession of the respondents on the suit land at the stage of deciding an application for interim injunction and hence such observations would adversely affect the merits of his application which was still pending adjudication under Order 39 Rules 1 and 2 of the Code.

I have heard learned counsel and perused the material placed on record.

Admittedly, as submitted by learned counsel also, an application under Order 39 Rules 1 and 2 of the Code is still pending adjudication before the Court below. Therefore, at this stage this Court would desist from delving into the merits of the application under Order 39 Rules 1 and 2 of the Code as the trial Court is seized of the matter. However, at the same time it is clarified and expected that the trial Court shall decide the application under Order 39 Rules 1 and 2 of the Code which is pending before it in accordance with the provisions of law, independent of any observations made by it in the impugned order qua the possession of the defendants over the suit property.

No ground is made out to interfere with the impugned order. Accordingly, the instant revision petition is dismissed in *limine*.

28.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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