

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

120

CR No. 3686 of 2022 (O&M)

Date of decision: 06.09.2022

M/s Greenway Developers Pvt. Ltd.

...Petitioner

Versus

M/s G & G Builders & Promoters and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Mona Goyal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of appropriate directions to the trial Court/Civil Judge (Jr. Divn.), SAS Nagar to decide the application under Order 39 Rule 1 & 2 read with Section 151 CPC in terms of order dated 10.08.2021 passed by the lower appellate Court, wherein the petitioner has filed an application and while allowing petitioner's request, the petitioner has been impleaded as defendant No. 16.

learned counsel for the petitioner submits that despite the direction of the lower appellate Court to decide the application under Order 39 Rule 1 & 2 CPC in one month, the trial Court is not deciding the application.

On the persistence of learned counsel for the petitioner, this Court has gone through the merits of the case and found that the petitioner/newly added defendant No. 16 and the respondent/plaintiff M/s G & G Builders and Promoters have filed two separate suits. In the instant case, which has been filed by respondent No. 1/plaintiff, the prayer is to

restrain the defendants from alienating the suit land during the pendency of the case, whereas the case of the petitioner is that he has already filed a suit on the basis of previous agreement to sell.

A perusal of order dated 10.08.2021, passed by the lower appellate Court shows that the prayer of the petitioner for impleading as defendant in the suit was allowed and it also reflects that the trial Court has passed an order granting ad-interim injunction in favour of the plaintiff only qua the alienation of the suit land considering the various grounds raised in the application.

Since learned counsel for the petitioner/defendant No. 16 has insisted upon this Court to form an opinion regarding merits of the case, this Court finds that the trial Court has rightly passed the order granting ad-interim injunction in favour of the respondents/plaintiffs that the suit land be not alienated till the decision of the case as the multiple suits have been filed by different parties and rights of the parties can only be decided after leading evidence.

In view of the above, finding no merit in the present petition, the same is dismissed.

06.09.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No