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

CR-4310-2022
Date of Decision: December 19, 2022

Bhaga Devi

..... Petitioner

Versus

Bhateri & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Rajiv Kumar Doon, Advocate
for the petitioner.

Mr. J.K. Sehrawat, Advocate
for respondents No. 1 to 4

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 06.05.2022, passed by the Court of learned Addl. Civil Judge, (Senior Division), Hansi; whereby prayer made at the instance of the petitioner-plaintiff (hereinafter referred to as, 'the petitioner') to the effect that an application filed at her instance invoking the provisions of Order 39 Rule 1 & 2 read with Section 151 CPC along with the suit, has not been adjudicated by the trial Court be ordered to be decided at the earliest.

Brief facts of the case are that the petitioner filed a suit for declaration besides claiming permanent injunction with the prayer for restraining respondents-defendants (hereinafter referred to as, 'the respondents') from causing any interference/interruption or dispossessing her from the portion of suit property or even from raises any kind of construction or changing the nature of the same.

Along with the suit, the petitioner also moved an application under Order 39 Rule 1 & 2 CPC with a prayer for grant of interim injunction.

Learned counsel for the petitioner submits that though the suit was filed way-back in April, 2022, however, even after the expiry of almost eight months, the application for grant of interim injunction has not been adjudicated upon so far.

While issuing notice of motion, this Court passed the following order on 24.09.2022 which is reproduced hereunder for reference:-

“The grievance of the petitioner in the present revision petition is that an application under Order 39 Rule 1 & 2 CPC filed at her instance is not being adjudicated upon by the trial Court, in the wake of an application filed by the respondents invoking Order 7 Rule 11 CPC.

Learned counsel for the petitioner submits that vide impugned order dated 06.05.2022, the request made at her instance for ad-interim order has also been declined whereas, no adjudication is being made on the application for interim injunction.

Notice of motion for 08.12.2022.

Dasti process only.

Let respondents be served through the counsel representing them before the learned trial Court.

To be shown in the urgent list”.

In pursuance thereof, Sh. J.K. Sehrawat, Advocate appears on behalf of respondents No.1 to 4 and submits that respondents have already filed their written statement and as such the pleadings are complete for the purpose of disposal of application under Order 39 Rule 1 & 2 CPC.

I have heard learned counsel for the parties and have gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

Once an application under Order 39 Rule 1 & 2 CPC, with a prayer for grant of interim injunction has been filed at the instance of petitioner wherein notice already stands issued to the respondents and written statement already stands filed, the non-adjudication thereupon is definitely causing serious prejudice to the rights of the petitioner.

Accordingly, the present revision petition is disposed of with a request to the trial Court to decide the application under Order 39 Rule 1 & 2 CPC filed at the instance of petitioner, either on the date fixed i.e. 21.12.2022 or any other suitable date of its convenience, preferably within a period of three weeks thereafter.

December 19, 2022
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>