

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

CR No. 6015 of 2022

DATE OF DECISION :- December 19, 2022

Dilbag Singh

...Petitioner

Versus

Bhag Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Jagtar Kureel, Advocate for the petitioner.

The grouse of the revision petitioner Dilbag Singh, who is one of the defendants in the civil suit filed by plaintiff Bhag Singh, which is pending in the Court of Civil Judge, Sr. Division, S.A.S. Nagar, Mohali is that the trial Court had granted ex-parte interim injunction vide order dated 19.4.2022. Despite the service being complete the application has not been decided so far with the result ex parte ad-interim injunction is being extended from time to time to the prejudice of the revision petitioner. The prayer in the revision petition as put forward by learned counsel for the petitioner during arguments is that the application be got decided at the earliest.

Keeping in view the nature of the prayer, I do not feel any necessity of issuing notice to the respondents because in terms of Order 39 Rule 3A CPC where an injunction has been granted without giving notice to the opposite party, the Court is required to make an endeavour to dispose of the application within 30 days from the date on which the injunction was granted and where it is unable to do so, it is required to record reasons for

such inability. In this case ad-interim injunction was granted on 19.4.2022 and despite period of about eight months having expired the application has not been finally decided. A perusal of the interim orders placed on record by the revision petitioner goes to show that no specific reason for inability to decide the application within 30 days has been mentioned.

Under the circumstances, the revision petition is disposed of with a direction to the trial Court to decide the application under Order 39 Rule 1 and 2 CPC on merits within 15 days on receipt of copy of order in that Court without fail and then intimation in that regard be sent to this Court. The trial Court may pre-pone the matter for the purpose of deciding the application, if need be.

(H.S. MADAAN)
JUDGE

December 19, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No