

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

118

**CR-6223-2022 (O&M)
Decided on :26.12.2022**

Sunder Singh

. . . Petitioner(s)

Versus

Smt. Veerwati

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajesh Lamba, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

Petitioner has approached this Court for setting aside the order dated 20.12.2022 (Annexure P-7) passed by learned Additional District Judge, Palwal, vide which appeal has been adjourned for arguments till 03.01.2023, without there being an interim order and grant of status quo/stay during the pendency of the present civil revision petition.

Counsel submits that petitioner has approached this Court against the order passed by learned trial Court in application under Order 39 Rule 1 and 2 of CPC, vide which date of summoning of trial Court record and arguments has been fixed for 03.01.2023 (wrongly mentioned as 03.01.2022), but no interim stay has been granted till that time.

Counsel also points out that suit was filed on 11.11.2022 by plaintiff (present petitioner) and the application under Order 39 Rule 1 and 2 of CPC was dismissed on 29.11.2022 and during that period neither any stay was granted nor plaintiff had approached to the next Court against not granting of any interim stay.

Mr. Rajesh Lamba, Advocate further submits that without there being any injunction against the defendant(s), petitioner may suffer irreparable loss.

I have heard learned counsel for the petitioner and perused the case file.

In view of the totality of circumstances, this Court feels that there is no necessity to issue any notice to the defendants/respondents, therefore, it would be appropriate to direct learned Appellate Court to decide the pending miscellaneous appeal after hearing the parties, either on the next date of hearing or within three days thereafter.

In view of the above, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

December 26, 2022

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*