

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

116

CWP-2472-2023 (O&M).
Date of Decision: 07.02.2023.

MERCEDES BENZ FINANCIAL SERVICES INDIA PVT LTD

..Petitioner

VERSUS

SWAMINATHAN SUBRAMANIAN AND OTHERS

.. Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Sumeet Goel, Sr. Advocate, with
Ms. Neha Sonware, Advocate,
Mr. Shivam Kaushik, Advocate, and
Mr. Paramvir Singh Parmar, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred raising a challenge to the ex parte ad interim injunction order passed by the Civil Judge (Junior Division), Gurugram in Civil Suit No.1225 of 2022 on 12.04.2022 (Annexure P-1).

Learned Senior counsel appearing on behalf of the petitioner, at the very outset, submits that he does not intend to press his challenge to the ex parte ad interim injunction order passed by the Civil Court at this stage and would confine prayer to his grievance pertaining to non-adjudication of the application submitted by the petitioner for vacation of the said ex parte ad interim injunction. He contends that the ex parte ad interim injunction order was passed on 12.04.2022. An application for vacation of the ex parte

ad interim injunction order had been submitted by the petitioner on 06.07.2022. He submits that despite the parties appearing in the aforesaid application, a decision has not been taken. An application was also submitted by the petitioner (defendant No.3 in the Civil Suit) for preponing the hearing of the application, however, said prayer has also not found favour with the Civil Court. He has drawn attention to the zimni orders that have been passed in the aforesaid case by the Civil Judge (Junior Division), Gurugram reflecting the matter being adjourned on request but without assigning as to who has made the request. He contends that the rights of the petitioner are being prejudicially affected as a result of non-adjudication of the application submitted by the petitioner. He also points out that the application is now listed before the trial Court on 08.02.2023.

Considering the order which this Court intends to pass, issuance of formal notice to the respondents is not necessary.

The present petition is disposed of, at this juncture, with a direction to the trial Court to decide the pending application under Order 39 Rule 3 A of the Code of Civil Procedure, and/or pass a final order on the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, filed by the petitioner within a period of 30 days from the date next fixed before the trial Court after affording an opportunity of hearing to the respective parties.

In view of aforesaid order, the petition stands disposed of accordingly.

February 07, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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