

2023:PHHC:053170

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

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**CR No. 2248 of 2023
Date of Decision: 17.04.2023**

Eminents City Mall Owners Welfare Association
Through Its President

.....Petitioner

vs.

Eminent Infraprojects Private Limited Through
Its Managing Director

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ajay Shekhawat, Advocate for the petitioner.

VIKAS SURI, J.

The only grievance raised in this petition filed under Article 227 of the Constitution of India is that in a suit for mandatory injunction under Section 39 of the Specific Relief Act, the application filed under Order 39 Rules 1 and 2 CPC, for temporary injunction is still pending and is not being decided in a timely manner.

It is submitted that vide order dated 22.02.2023, the matter has been adjourned to 11.08.2023. The various interlocutory orders passed by the trial Court since the institution of the suit on 21.11.2022 have been placed on record as Annexures P-5 to P-10. A perusal of the said interlocutory orders would show that the written statement and reply to the application on behalf of defendants were filed on 16.01.2023 and the matter was posted for 30.01.2023, for arguments on the injunction application. On the said date, it has been noted that arguments on the injunction application were not advanced and adjournment was sought. Accordingly, the matter was adjourned to 08.02.2023.

Same was the position on the following date and the matter was adjourned to

22.02.2023, where-after the matter was straightaway adjourned for a period of

about six months, to 11.08.2023. The interlocutory orders do not reflect whether the plaintiff-applicant was also not advancing arguments on the injunction application or as to which party was seeking adjournment.

Learned counsel for the petitioner submits that delay in deciding the injunction application goes against the interest of the plaintiff-applicants and it is the defendant who was interested in delaying the proceedings, pending adjudication of the application seeking *ad interim* injunction restraining the defendants from charging any maintenance charges till the disposal of the suit.

In the light of above, without expressing any opinion on the merits of the case, the instant petition is disposed of with liberty to the petitioner to move an appropriate application before the trial Court seeking advancing of the date from 11.08.2023 and for deciding the injunction application in accordance with law.

In case, such an application is preferred within a period of two weeks from today, the same be considered and disposed of in accordance with law within a further period of three weeks from the date of institution of such application.

Needless to observe that any observation made herein above will not affect the merits of the case or prejudice the stand of either party.

The present revision petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

April 17, 2023
Rajeev (rvs)

Whether speaking/reasoned	Yes
Whether reportable	No