

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CR-2510-2023

Date of Decision : April 26, 2023

Dalbir Singh

.. Petitioner

Versus

Happy and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarju Puri, Advocate, for
Mr. Abhinav Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present civil revision petition has been filed challenging the order dated 13.04.2023 (Annexure P-1) whereby instead of passing ex-parte ad-interim injunction, the trial court has only issued notice in the suit as well as application filed under Order 39 Rule 1 and 2 of the CPC.

Learned counsel for the petitioner submits that the next date of hearing before the trial Court is 28.04.2023, hence, the trial Court be directed to pass an appropriate order on the application filed under Order 39 Rule 1 and 2 of the CPC as it deems fit as to whether the petitioner is entitled for ex parte interim order or not even if the respondents do not appear on the said date.

Without expressing any opinion on the merits of the case, the present civil revision petition is disposed of with a direction to the trial

Court that in case both the parties appear on the next date of hearing i.e. 28.04.2023, application filed for the grant of interim relief be considered on the said date or within a period of 10 days from the next date of hearing by passing appropriate order on the application under Order 39 Rule 1 and 2 of the CPC. In case no one appear on behalf of the respondents due to any circumstances despite service, the ex parte interim relief being prayed for by the petitioner be decided by passing an appropriate order.

April 26, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No