

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

(112)

CR-3037-2023

Date of Decision : May 16, 2023

Dharmender**.. Petitioner****Versus****Gram Panchayat Village Asawarpur and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present civil revision petition has been filed for setting aside the order dated 08.05.2023 (Annexure P-4) by which ad interim injunction has been declined and the civil suit has been adjourned to 14.09.2023 for filing written statement and reply to injunction application.

2. Learned counsel for the petitioner argues that while filing the suit seeking declaration and permanent injunction under the Specific Relief Act, an application under Order 39 Rule 1 and 2 of the CPC was filed for the grant of interim order, which application is being adjourned time and again and the petitioner is apprehending a threat of dispossession from the land in question.

3. Learned counsel for the petitioner submits that appropriate direction be given to the trial Court to decide the application under Order 39

Rule 1 and 2 of the CPC as early as possible even by preponing the date of hearing.

4. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

5. Once, an application has been filed seeking an interim relief, it becomes the duty of the Court to decide the same as expeditiously as possible so that the application filed is not rendered infructuous. From the record, it transpires that notice of the application was issued and the interim order has been declined on the ground that the reply to the stay application needs to be filed by the respondents.

6. The Court is under an obligation to pass appropriate order either accepting or rejecting the claim by passing reasoned order in case an application is filed seeking interim relief.

7. The present civil revision petition is disposed of with a direction to the trial Court to decide the application filed under Order 39 Rule 1 and 2 of the CPC at the earliest possible occasion so that none of the parties suffer any prejudice due to the delay in deciding the said application. Liberty is given to the petitioner to file appropriate application in case he deem it fit even for preponing the date of hearing of application, which now stands adjourned to 14.09.2023.

May 16, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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