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

CR-3184-2023 (O&M)

Date of Decision: 22.05.2023

Gurdev Singh and another

.....Petitioners

Versus

Municipal Council, City Balachaur

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Munish Bhardwaj, Advocate
for Mr. Navraj Singh, Advocate
for the petitioners.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of direction to the Ld. Civil Judge (Sr. Division), Balachaur to decide the application under Order 39 Rules 1 and 2 CPC filed by the petitioner/plaintiff for restraining respondent from damaging or demolishing the house-in-dispute of petitioners in the pending suit for permanent injunction.

2. Considering the nature, facts and circumstances of the case, issuance of notice to respondents/defendants is dispensed with, at this stage.

3. I have heard learned counsel for the petitioners/plaintiffs and gone through the case file.

4. At first blush, this Court was not inclined to interfere. However, learned counsel for petitioners submits that petitioners has been rendered completely remediless as on one hand the application under Order 39 Rules 1 & 2 CPC in the pending civil suit is not being decided and on the other, respondent/defendant is threatening to demolish the construction which is currently going on the land/plot in question. He, under instruction of his clients, submits that petitioners are willing to give undertaking that they shall not make any further construction till the pending stay application before Ld. Trial Court is decided either way and shall proceed further depending only upon the outcome thereof.

5. In the premise, it is made clear that until the application under Order 39 Rules 1 & 2 CPC is decided by Ld. Court below, neither petitioners shall carry out any further construction on the plot in question nor will the defendant demolish the existing construction on the spot.

6. Petition is disposed of with the expectation that the Ld. Court below shall make endeavour to dispose of the pending application on the date fixed and if the same is not possible, to take up the same on the date thereafter without granting any further unnecessary adjournments.

7. Pending civil miscellaneous applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 22, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No