

CR-3597-2023

- 1 -

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

299

CR-3597-2023

Decided on : 18.07.2023

Dharambir

. . . Petitioner(s)

Versus

Gram Panchayat Bithwana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rao Ajender Singh, Advocate
for the petitioner(s).

Mr. Gulshan Nandwani, Advocate
for respondent No.1.

Mr. Yuvraj Shandilya, AAG, Haryana
for respondents No.2 to 4.

SANJAY VASHISTH, J. (Oral)

1. At the time of preliminary hearing on 03rd July 2023, following order was passed:-

“Learned counsel for the petitioner submits that he would be satisfied if application under Order 39 Rule 1 & 2 of CPC is decided finally by learned Trial Court at the earliest.

Notice of motion for 18.07.2023.

Dasti as well.”

2. Mr. Gulshan Nandwani, Advocate, puts in appearance on behalf of respondent No.1, and files his memo of appearance, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. Mr. Yuvraj Shandilya, AAG, Haryana, puts in appearance on behalf of respondents No.2 to 4.

CR-3597-2023

- 2 -

3. There is no serious objection by any of the respondent appearing today before this Court, to the limited prayer of the petitioner as recorded and reproduced here-above, that is, if the direction is issued for final decision over the application under Order 39 Rule 1 & 2 CPC.

4. Accordingly, at this stage, present revision petition is disposed of by directing the Ld. Trial Court to decide the application filed under Order 39 Rule 1 & 2 CPC r/w Section 151 CPC, within a period of four weeks from the date of receipt of certified copy of the order of this Court. However, it is clarified that before hearing the arguments on aforesaid application, reasonable opportunity would be granted to the respondents (defendants) for filing their written statement/reply to the stay application.

Besides above, it is also clarified that while deciding the application finally, Ld. Trial Court will not get influenced or impressed with any of its findings given earlier on any of the dates of hearing, and the said application would be decided on the basis of material available on record, before it.

With the aforementioned terms & directions, present revision petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

July 18, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*