

CR-3636-2023
DECIDED ON: 20.06.2023

JEET LAL

.....PETITIONER

VERSUS

DARSHAN SHAH AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. IPS Sabharwal, DAG, Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. The prayer in the present petition filed under Section 227 of the Constitution of India is for the issuance of directions to the trial Court to decide the stay application filed by the present petitioner which is now pending for 19.07.2023 as no interim injunction has been granted to the petitioner and in the meantime, the respondents are going ahead with the installation of the bore well in the suit land.

2. The petitioner filed a suit for permanent injunction against the present respondents which came up for hearing before the Civil Judge (Junior Division)-II, Kapurthala on 31.05.2023. Vide Annexure P-3, notice in the stay application was issued to the respondents-defendants for 19.07.2023. It is the case of the petitioner that taking advantage of the intervening summer vacations and the fact that the stay application is listed for 19.07.2023, the respondents are proceeding with the installation of the bore well and once the same is completed, an irreparable loss shall be suffered by the present petitioner.

3. Learned counsel for the petitioner submits that since summer vacations are going on and the stay application is listed for 19.07.2023, the petitioner is not in a position to seek any relief from the trial Court.

4. Notice of motion was issued to the respondents but they have not been served. As per the report of the Registry, respondents No.1 to 3 were out of station and the post of Executive Officer of the Municipal Corporation-respondent No.4 is stated to have been abolished.

Without commenting on the merits of the case, the present petition is disposed of with liberty to the present petitioner to move an application before the vacation Bench at District Courts, Kapurthala praying for preponement of the injunction application and for grant of ad interim relief. On such an application being filed, the Court concerned shall make an endeavour to dispose it of within a period of one week from its filing. Till a decision is taken by the vacation Judge of the trial Court, the nature of the suit land shall not be changed.

(VIKRAM AGGARWAL)
JUDGE

20.06.2023

Prince Chawla

Whether speaking/reasoned Yes/No

Whether reportable Yes/No