

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

C.R.No.3690 of 2023 (O&M)

Date of Order: 03.07.2023

SUKHDEV KAUR

.Petitioner

Versus

BHOLA SINGH AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Amandeep Saini, Advocate, for the petitioner.

ANIL KSHETARPAL, J

1. The petitioner herein is the plaintiff in a pending suit. Initially an ad-interim injunction was granted in favour of the petitioner. However, subsequently the plaint was returned with a direction to present the same before the proper court. In this revision petition, the petitioner claims that despite the repeated adjournments her application for grant of temporary injunction has not been decided by the Court below.

2. Ordinarily, the petitioner should be relegated to file an application before the trial court at the first instance. However, the learned counsel representing the petitioner submits that the sale deed has not only been executed but presented before the Registrar for registration because the application for grant of temporary injunction has not been decided.

3. As per the Code of Civil procedure, 1908, the mandate of Order 39 is to decide the applications promptly and expeditiously. These applications are required to be decided within the time prescribed in the CPC. It is expected that the court should, at the first instance, take up the application for grant of temporary injunction and decide the same as there are cases where irreparable loss can be caused to the parties if they are not heard promptly.

4. Keeping in view the aforesaid facts, the revision petition is disposed of with a request to the learned trial court to take up and decide the application positively within the next 3 weeks, preferably on 07.07.2023, the date on which the suit is coming up for hearing.

5. All the pending miscellaneous applications, if any, are also disposed of.

July 03, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO