

**274 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****C.R NO. 2450 OF 2020 (O&M)
DATE OF DECISION: 18.04.2023****Madan Lal****...Petitioner****Versus****Gram Panchayat Gignau and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : None for the petitioner.

Mr. Parmod Chauhan, Advocate,
For respondent No.2.**ARUN MONGA, J. (ORAL)**

Assailed herein is an order dated 10.08.2020 (Annexure P-3) passed by learned Additional Civil Judge (Senior Division), Loharu, District Bhiwani, vide which interim stay in civil suit, was declined.

2. Succinct facts first. Plaintiff/appellant filed a suit for prohibitory and mandatory injunction restraining defendants from causing any type of damage to western wall of plaintiff's house shown in red colour in site plan situated at village Gignau, Tehsil Loharu District Bhiwani; further restraining defendants from carving any passage in eastern side of aforesaid wall of plaintiff and further directing the defendants to construct the passage after removing illegal encroachment of defendant No.1.

2.1 Learned trial Court vide impugned order dated 10.08.2020 (Annexure P-3), has declined the request for grant of ad interim stay. For ready reference, same is reproduced herein below :

“ In pursuance to the notice issued to defendants, defendants No.1 and 2 appeared through their counsel. Defendant No.4 appeared in person. Notice issued to defendant No.3 received back duly served. Case called several time since morning, but none has appeared on behalf of defendant No.3. It is already 2:45 PM. No further wait is justified. Defendant No.3 is hereby proceeded against ex-parte.

Now to come up on 07.09.2020 for filing written statement and reply to stay application on behalf of appearing defendants.

At this stage, learned counsel for plaintiff requested for ad-interim stay. However, no ground for ad-interim stay is made out. Therefore, the request of Ld. counsel for plaintiffs is hereby declined.”

3. Matter was taken up for hearing on 05.05.2022, when despite being called twice, none appeared for petitioner. In the interest of justice, it was adjourned to 08.09.2022. It appears that turn of the case did not come on 08.09.2022 and it was kept for hearing on 09.03.2023, when again it seems to have not taken up due to heavy cause list.

4. On resumed hearing today, once again none appears for petitioner. Learned counsel for respondent No.2 submits that it seems that petitioner is not interested in pursuing the instant revision petition, which might have been rendered infructuous by sheer effluxion of time, since it was filed challenging non-grant of stay during pendency of application under Order 39 Rules 1 and 2 CPC.

5. Dismissed in default.

6. Pending application(s), if any, shall also stand disposed of.

APRIL 18, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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