

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4729-2023 (O&M)
Date of Decision:-**20.10.2023**

ASHIMA MUNJAL

... Petitioner(s)

Versus

MAHESH CHANDER MUNJAL AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Damanbir Singh Sobti, Advocate
for the petitioner(s).

Mr. Akshay Bhan, Senior Advocate with
Mr. Prateek Guma, Advocate
for respondents No.1, 5 to 8.

Mr. Swapnil Guma, Advocate
for respondents No.2 and 3.

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KARAMJIT SINGH, J. (Oral)

1. The counsel appearing on behalf of the petitioner made prayer that he will be satisfied if necessary direction is given to the trial Court to dispose of applications filed by petitioner under Order 39 Rule 1 & 2 CPC; and application filed under Order 40 CPC, in a time bound manner.

2. The counsel for respondents No.1, 5 to 8, while impugning the maintainability of the suit filed before the Court of Civil Judge (Junior Division), Ludhiana further submits that the applications filed by the contesting respondents under Order 7 Rule 10 CPC; and under Order 7 Rule 11 CPC are still pending for disposal before the trial Court and that it is settled law that firstly the said applications filed under Order 7 Rules 10 and 11 CPC are to be disposed of by the Court concerned in accordance with law and thereafter applications filed under Order 39 Rule 1 & 2 CPC; and under Order 40 CPC are to be considered. The counsel for the respondents submits that he will be satisfied if necessary direction is given to the trial Court to firstly dispose of applications filed under Order 7 Rules 10 and 11 CPC.
3. The counsel appearing on behalf of the petitioner is having no objection if any such direction is given to the trial Court but further made prayer that if applications filed under Order 7 Rules 10 and 11 CPC are decided against the respondents then the trial Court should be asked to expedite the disposal of applications filed under Order 39 Rule 1 & 2 CPC; and Order 40 CPC.
4. In view of the above, present civil revision petition is hereby disposed of with direction to the trial Court to firstly dispose of applications filed by the respondents under Order 7 Rules 10 and 11 CPC within 30 days of the next date fixed in the civil suit, in accordance with law, after hearing both the parties, and in case, the aforesaid applications are allowed then no further action is to be taken by the trial Court but

in case of dismissal of the applications, the trial Court should expedite the disposal of applications filed by the petitioner under Order 39 Rules 1 & 2 CPC; and Order 40 CPC preferably within a period of next 1 month of the disposal of the applications filed under Order 7 Rules 10 and 11 CPC.

5. The petition stands disposed of in the aforesaid terms, without expressing any opinion on the merits of the case.

20.10.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No