

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 4726 of 2023(O&M)

Date of Decision: 21.08.2023

Chaman Lal @ Chiman Lal & Ors.

...Petitioners

Versus

Ajay Bhatia & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. S.P. Arora, Advocate
For the petitioners.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners/ plaintiffs seeking setting aside of order dated 11.08.2023 (Annexure P-5) passed by the Court of Additional District Judge, Panipat and order dated 03.05.2023 (Annexure P-3) passed by the Court of Civil Judge (Jr.Divn.), Panipat.
2. The brief facts of the case are that the petitioners filed suit for declaration and permanent injunction against the respondents/ defendants. Notice of the suit was issued to the respondents. Vide order dated 03.05.2023 (Annexure P-3) the learned trial Court declined to grant any *ad interim* injunction in favour of the petitioners and against the respondents. Being aggrieved, the petitioners filed appeal against the said order but even the Court of Additional District Judge, Panipat also declined to grant any interim relief in favour of the petitioners vide order dated 11.08.2023 (Annexure P-5).
3. The counsel for the petitioners has, *inter alia*, contended that the orders (Annexures P-3 & P-5) are not sustainable and are liable to be set

aside, as there was immediate apprehension that the respondents are going to dispossess the petitioners from the suit property.

4. I have considered the submission made by counsel for the petitioners.

5. From the perusal of impugned order (Annexure P-3) it is evident that the same was passed on 03.05.2023 and as on that date written statement and written reply to stay application was not filed by the respondents and the next date fixed was 06.07.2023 for filing of written statement and reply to stay application by respondent No.4. Thus, it is evident that the application filed by the petitioners under Order 39 Rules 1 and 2 CPC was not finally disposed of by the learned trial Court vide impugned order (Annexure P-3), which has been upheld by the Court of Additional District Judge, Panipat vide order (Annexure P-5).

6. In the given circumstances, as the injunction application filed by the petitioners is still pending its disposal, the present petition is hereby disposed of without entering into the merits of the case and the respondents/defendants are directed to file their reply to the injunction application within next two weeks and the injunction application is to be disposed of by the learned trial Court within next 15 days thereafter, in accordance with law and till the disposal of the injunction application by the learned trial Court, the parties are directed to maintain status quo qua the suit property.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

21.08.2023
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No