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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5094-2023 (O&M)

Date of Decision: 18.12.2023

MUSKAN RAJ

.....PETITIONER

VERSUS

RAHUL SINGLA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Avinit Avasthi, Advocate
for the petitioner.

Mr. Sumeet Pal Sidhu, Advocate
for the respondent.

NAMIT KUMAR, J (ORAL)

1. The instant revision petition has been preferred by the petitioner/plaintiff impugning the orders dated 20.07.2023 (Annexure P-7) and 09.08.2023 (Annexure P-8) passed by the learned Civil Judge (Junior Division) Mohali whereby despite pendency of application seeking temporary injunction filed under Order 39 Rule 1 and 2 read with Section 151 CPC, twice opportunity for filing regular power of attorney and written statement has been given to the counsel for the defendant/respondent.

2. The grievance raised by the petitioner in the revision petition is that due to unnecessarily delay in deciding the application filed by the petitioner/plaintiff seeking temporary injunction, the relief claimed in the suit would be frustrated as in the suit the following prayer has been made:-

“i. Pass a decree of permanent injunction in favour of the plaintiff and as against the defendant restraining the defendant permanently to present the cheques entrusted,

ii. Direct the defendant to return the cheques entrusted to him by the plaintiff,

xx xx xx xx xx”

3. Counsel for the petitioner submits that by the time the civil suit was filed in the month of April 2023, by then only one cheque had been presented out of total 6 cheques and whereas till 09.08.2023, additionally 4 more cheques have been presented by the defendant and on 29.08.2023 another cheque amounting to Rs.75,000/- was presented.

4. On the last date of hearing, the following order was passed:-

“Mr. Sumeet Pal Singh Sidhu, Advocate has put in appearance on behalf of the respondent and filed his power of attorney which is taken on record. He seeks time to address arguments.

Learned counsel for the respondent submits that cheque No.160311 dated 20.09.2023 for an amount of Rs.1,00,000/- shall not be presented till the next date of hearing.

Adjourned to 18.12.2023.”

5. Counsel for the respondent submits that the validity of Cheque No.160311 dated 20.09.2023 for an amount of Rs.1,00,000/- is only till 20.12.2023 and if the respondent presents the said cheque before 20.12.2023, the same shall be subject to the final outcome of the suit pending before the trial Court, which has been preferred by the petitioner herein.

6. Counsel for the parties submit that they shall file their respective replies to the applications under Order 39 Rule 1 and 2 and Order 7 Rule 11 on the next date of hearing i.e. 04.01.2024 and shall argue their applications before the learned Civil Judge, Junior Division, Mohali on 04.01.2024 or on the next date of hearing, if the matter is adjourned by the Court for any reason. The said applications shall be considered by the said Court in

accordance with law and shall be disposed of as early as possible but not later

than 3 months.

- 7. The present revision petition stands disposed of in the above terms.
- 8. Pending applications, if any, stands disposed of accordingly.

(NAMIT KUMAR)
JUDGE

18.12.2023
Kusum

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>