

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-7444-2023

Date of Decision: 11.12.2023

Manoj Kumar @ Manoj

....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Present civil revision petition has been filed by the petitioner-plaintiff for setting aside impugned order dated 23.11.2023 passed by the Court of Additional District Judge, Gurugram in CMA-279-2023 titled M/s Uday Buildwell Private Limited v. Manoj Kumar and others whereby well reasoned order dated 30.10.2023 passed by Civil Judge, Junior Division, Gurugram was stayed leading to vacation of order of *status quo* with regard to construction, granted during the pendency of the application filed under Order 39 Rule 1 & 2 CPC before the learned trial Court.

2. Counsel for the petitioner submits that the petitioner filed suit for specific performance, declaration and permanent injunction with regard to suit property against the respondents and along with the suit, an injunction application was also filed by the petitioner wherein the learned trial Court passed *ad interim* order whereby parties were directed to maintain *status quo* with regard to further construction, till the next date of hearing i.e. 7.3.2024 vide order dated 30.10.2023 with direction to the

respondents to file written statement and reply to the said application. Respondent No.6 being aggrieved by the said order, filed CMA-279-2023 before the Court of Additional District Judge, Gurugram wherein the said Court stayed the operation of the aforesaid order dated 30.10.2023 vide impugned order (Annexure P-8) dated 23.11.2023 and adjourned the miscellaneous appeal to 19.12.2023 for final arguments.

3. Counsel appearing for the petitioner submits that the petitioner will be satisfied if necessary direction is given to the learned trial Court to decide the injunction application filed by the petitioner in a time bound manner and till the disposal of the said application, parties are directed to maintain *status quo* with regard to construction existing at the spot.

4. Admittedly, the injunction application filed under Order 39 Rule 1 & 2 CPC has not been disposed of by the learned trial Court till date.

5. In view of above, without commenting on the merits of the case, the present petition is hereby disposed of with direction to the learned trial Court to decide the injunction application filed by the petitioner in accordance with law, on the next date fixed in the civil suit and if not possible, to decide the stay application within two weeks thereof and till then, parties are directed to maintain *status quo* with regard to construction existing at the spot. It being so, order (Annexure P-8) dated 23.11.2023 whereby interim order passed by the trial Court dated 30.10.2023 has been stayed, is hereby set aside.

(KARAMJIT SINGH)
JUDGE

December 11, 2023

Paritosh Kumar