

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

Civil Revision No.449 of 2024

Date of Decision: 25.01.2024

Gagandeep Singh @ Gagandeep Thambar

...Revisionist-Petitioner

Versus

Rajat Sharma

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Divanshu Jain, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, to lay challenge to the order Annexure P-6 passed by learned Civil Judge (Junior Division), Derabassi (for short 'the trial Court') on 05.01.2024 in ***Civil Suit No.14 of 2024*** titled as "***Gagandeep Singh vs. Rajat Sharma***", whereby the trial Court has adjourned the said Suit to 08.02.2024, while observing that it did not deem it appropriate to grant *ex-parte ad-interim* injunction at that stage and was of the view that an opportunity of being heard, must be given to the opposite party, before passing any order on the injunction application.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner-plaintiff contends that the plaintiff filed the afore-referred Civil Suit for seeking the cancellation of the Contract/Agreement (Annexure P-2), as executed between him and the respondent-defendant (here-in-after to be referred as 'the defendant') on 08.02.2022, besides claiming several other consequential reliefs and he also moved an application (Annexure P-5), along-with the Suit, praying therein for grant of the interim relief, by way of directing the defendant to refrain from interfering in his professional work and also to share the Passwords of his social media accounts with him with immediate effect but however, the trial Court declined to grant the above-mentioned relief without assigning any specific reason for the same and also while ignoring the fact that the terms and conditions, as laid down in the impugned Contract/Agreement, were quite harsh and arbitrary as these prohibited the plaintiff from earning his livelihood by singing as well as composing the songs and in these circumstances, it becomes explicit that the impugned order is not legally sustainable and hence, the same deserves to be set-aside. To buttress his contentions, he has placed reliance upon the verdicts rendered by the Co-ordinate Benches in **CR No.2527 of 2020** titled as '**Gagandeep Singh Arora vs. Richa Singh and others**' on 19.11.2020 and **CR No.2675 of 2022** titled as '**Anjani Dubey vs. Maninder Singh Cheema**' on 15.07.2022.

4. It goes without saying that it is purely within the discretion of the Court to grant or decline the relief of *ex-parte ad-interim* injunction but the Court is supposed/required to pass a speaking order while exercising such discretion. However, the trial Court has not advanced/put-forth any

cogent reason/ground in the impugned order, for declining the afore-said relief to the plaintiff.

5. Keeping in view above-discussed facts and circumstances and also the observations as made by the Co-ordinate Benches in Gagandeep Singh Arora (supra) and Anjani Dubey (supra), the revision-petition in hand is, hereby, allowed and the impugned order (Annexure P-6) is set aside with a direction to the concerned trial Court to consider the prayer of the plaintiff for grant of the relief of *ex-parte ad-interim* injunction afresh and to adjudicate the same while passing a speaking order.

6. However, it is further clarified here that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the above-referred injunction application and the Civil Suit as well.

25.01.2024

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No