

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.2042 of 2024 (O&M)
Date of Decision: 04.04.2024

Sardool Singh
...Revisionist-Petitioner

Versus

Indostar Capital Finance Ltd.
...Respondent

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

Present:- Mr. Prateek Sodhi, Advocate,
for the revision-petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as ‘the plaintiff’) has laid challenge to the order (Annexure P-5) as passed by learned Civil Judge (Junior Division), Ajnala (for short ‘the trial Court’) on 04.12.2023 in *Civil Suit No.1068 of 2023* titled as ‘*Sardool Singh versus Indostar Capital Finance Ltd*’, whereby the trial Court has adjourned this Suit for issuing notice to the opposite party, i.e the respondent-defendant (here-in-after to be referred as ‘the defendant’), while observing that it deemed it proper to do so, before granting the interim injunction.

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 plaintiff contends that due to certain family problems, the plaintiff could not adhere to the terms and conditions regarding the repayment of the loan, as raised by him from the defendant to purchase a Truck but the defendant, instead of resorting to the appropriate and efficacious remedy, as might be legally permissible to it (defendant) to recover the outstanding loan amount, is all out to take the possession of the afore-said Truck from him forcibly and in case, it succeeds in doing so, the plaintiff would suffer an irreparable loss because this vehicle is the only source for him to earn livelihood for himself and his entire family as well and therefore, he filed the above-referred Suit and moved an application there-with for seeking the interim relief of injunction for restraining the defendant, its agents and employees from forcibly taking the possession of the afore-said Truck but while passing the impugned order, the trial Court has failed to consider the above-discussed aspects of the matter in the correct perspective and has erroneously ignored/declined his (plaintiff's) prayer for grant of the relief of *ex-parte* ad-interim injunction and in these circumstances, it becomes quite explicit that the said order is not legally sustainable and it deserves to be set-aside. To buttress his contentions, he places reliance upon the verdicts as rendered by the Co-ordinate Benches in CR No.2527 of 2020 titled as 'Gagandeep Singh Arora vs. Richa Singh and others' and in CR No.2675 of 2022 titled as 'Anjani Dubey vs. Maninder Singh Cheema'.

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

at the time of exercising such discretion, the Court is required/supposed to pass a speaking order. However, the trial Court has not advanced/put-forth any cogent reason/ground in the impugned order, for not granting/denying the afore-mentioned relief to the plaintiff.

5. Keeping in view the above-discussed facts and circumstances and also the observations 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-5) 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. It is further clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the afore-referred injunction application and the Suit as well.

04.04.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No

