

Vijender Rana

...Petitioner

Versus

Asha Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 27.02.2024 (Annexure P-6) passed by the Ld. Civil Judge (Jr. Division), Gurugram whereby an application under Section 151 CPC for early hearing (Annexure P-5) filed by the petitioner has been dismissed. Further prayer has also been made to direct the trial Court to decide the application under Order 39 Rule 1 and 2 CPC (Annexure P-3) filed by the petitioner in a time bound manner.
2. Learned counsel for the petitioner submits that a suit for specific performance and injunction was filed in January, 2020. Thereafter an application under Order 39 Rule 1 and 2 CPC (Annexure P-3) for grant of temporary injunction was filed. He further submits that even the pleadings are complete. Application for early hearing of the case has also been moved but the trial Court failed to consider the same. The next date fixed before the trial Court is 16.05.2024. He further submits that petitioner would be satisfied if directions are issued to the trial Court to decide the application under Order 39 Rule 1 and 2 CPC in a time bound manner.

3. I have heard the submissions made by the learned counsel for the petitioner and perused the file.
4. Without commenting upon the merits of the case and in the interest of justice, order dated 27.02.2024 (Annexure P-6) is hereby set aside and this petition is disposed of with direction to the concerned Court to consider the application under Order 39 Rule 1 and 2 of CPC filed by the petitioner in accordance with the law expeditiously without any delay. The Court concerned may prepone the application and then issue notice to the defendants through counsel and dispose of application within a period of two weeks from the receipt of certified copy of this order.
5. Petition stands disposed of.

18.04.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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