

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2677-2024
Date of Decision: 02.05.2024

MONU KUMAR
....Petitioner

VERSUS

NEELAM SUKHIJA AND ANR
....Respondents

CORAM: HON’BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in this petition under Article 227 of the Constitution of India is for directions to the learned trial Court to decide the application dated 16.03.2024 filed under Order 39 Rule 1 and 2 CPC along with the suit for declaration with consequential relief of permanent injunction.
2. Learned counsel for the petitioner submits that the present suit was instituted on 16.03.2024 and notice of the suit as well as stay application was issued to the defendants for 20.03.2024, whereupon defendant No.1 put in appearance whereas defendant No.2 abstained from appearing in the Court despite service and was accordingly proceeded against *ex parte*. The proceedings were thereafter deferred for 18.04.2024 on which date after filing of the

written statement and reply to the stay application, the matter was deferred to 11.07.2024 for arguments on stay application as well as for filing replication, if any, framing of issues, admission and denial, and consideration on settling the dispute through any of the modes as given under Section 89 CPC.

3. Learned counsel for the petitioner further submits that the respondent-defendant is taking active steps to dispose of the suit property and in furtherance thereof has also entered into an agreement to sell. The Trial Court has deferred the proceedings for nearly three months, without considering the prayer of the petitioner-plaintiff for *ad-interim* injunction by which time irreparable damage is likely to have been caused.

4. Heard learned counsel for the petitioner and perused the record with his able assistance.

5. It is not disputed that in the present case, the petitioner had filed an application under Order 39 Rules 1 and 2 CPC along with the suit.

6. Upon notice, only one of the defendants chose to contest the proceedings by filing written statement and reply to the stay application. It is not clear from the material placed on record before this Court whether or not any prayer for *ex parte ad-interim* injunction had been made before the trial Court or not, however, as the service in the said suit is complete and a response has also come on record from the contesting defendant, the same pales into insignificance. Nonetheless, this Court finds no justification for deferring the

proceedings for a period of nearly three months at the stage of consideration on the application for interim injunction, especially when the pleadings had been completed.

7.

In light of the above, without expressing any opinion on the merits of the case, this Court deems it appropriate to dispose of this revision petition with liberty to the petitioner to move an appropriate application before the trial Court for preponing the date of hearing and disposing of the stay application, in accordance with law. On the petitioner moving the proposed application noticed above, within two weeks, this Court has no doubt that the same would be taken up for consideration forthwith and dealt with as per the procedure prescribed under law.
8.

This revision petition is disposed of in the aforesaid terms.

May 02, 2024
Sangeeta

(VIKAS SURI)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No