



CR-2942-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108

CR-2942-2024

Date of Decision: 31.05.2024

RAM KRISHAN SINGLA

....Petitioner

Versus

SUBHASH CHAND SINGLA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kanish Jindal, Advocate for
Mr. Arun Jindal, Advocate for the petitioner.

ARCHANA PURI, J. (Oral)

The present revision petition has been filed for modification of the order dated 22.04.2024 (Annexure P-2), passed by the Court below, whereby the stay granted, vide order dated 14.03.2022, was discontinued.

Learned counsel for the petitioner heard.

As culled out from the paperbook, initially the petitioner had filed a suit for seeking declaration for separate possession, by way of partition and besides the same, for seeking mandatory injunction, as well as permanent injunction.

At the inception stage, considering the material coming on record, vide order dated 14.03.2022, the interim stay was granted and the case was adjourned to 02.04.2022. Perusal of the zimini orders, which have been placed on record today itself by learned counsel for the petitioner, reveals about the case being, fixed for service upon defendants and remained pending for multiple times, for the said purpose only.

**CR-2942-2024****2**

Ultimately, even though, the respondents/defendants had made appearance, but several times, adjournment was sought for filing of the written statement and in these circumstances, the petitioner was constrained to file an application for striking off the defence on 01.03.2024. However, prior to consideration of the said application, on 18.03.2024, written statement was filed and application, as such, was not considered. Thereafter, the case again remained pending for consideration on the stay application.

On 18.04.2024, adjournment was granted for placing on record the replication and for addressing arguments on the stay application. The case was further adjourned for 22.04.2024. On 22.04.2024, the impugned order was passed, copy whereof is Annexure P-2.

Perusal of the same reveals that replication was filed and even, the written arguments with regard to the application under Order 39 Rule 1 and 2 CPC, were furnished, but however, adjournment was sought for addressing verbal arguments and the case was adjourned for 23.04.2024 and it was specifically observed by learned trial Court that there is no further order with regard to extension of stay order. It was a blanket order without assigning any reason.

Considering the aforesaid fact situation and no reason being assigned for discontinuation of interim order qua stay earlier granted, a hanging sword cannot be allowed to be there over the head of the litigant, without any reason, more particularly, when the case was further



CR-2942-2024

3

adjourned for the next date i.e. 23.04.2024, for addressing arguments on the stay application.

Even, the order dated 23.04.2024, passed by the Court below reveals that the arguments on the stay application were not addressed. Even though, the order mentions about the adjournment to have been granted on request, but on whose request it was granted, it was not mentioned and the case was adjourned further for 01.05.2024.

Perusal of further zimini orders reveals that till date, the stay application has not been disposed of and vide order dated 24.05.2024, the case was adjourned further for 17.07.2024, for consideration on the stay application.

Considering the aforesaid seriatim of facts, the impugned order is set aside, *vis-a-vis*, the observation “***there is no further order with regard to the extension of stay order***” and till the disposal of the application under Order 39 Rule 1 and 2 CPC by the Court below on merits, on the next date of hearing or short date, thereafter, the order of interim stay, as granted, vide order dated 14.03.2022 qua the suit property stands restored.

In view of the aforesaid terms, the revision petition stands disposed of.

(ARCHANA PURI)
JUDGE

31.05.2024

Sonu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No