



CR-3059-2024

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

Sr. No.157

CR-3059-2024

Date of Decision: 20.05.2024

GURMEET SINGH

....Petitioner

Versus**GURMAIL SINGH AND OTHERS**

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Saurabh Bajaj, Advocate for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 09.05.2024 (Annexure P-11), passed by the Court below, whereby the case has been deferred further, without passing any order on the application under Order 39 Rule 1 and 2 CPC.

It is submitted by learned counsel for the petitioner that even though the contesting defendants had made appearance before the Court below on 09.05.2024, but however, vide order dated 09.05.2024 (Annexure P-11), the Court had simply ordered the case to be adjourned further, for service of proforma defendants No.11 to 19 and no effective order, with regard to the stay application was passed. Learned counsel has also made reference to the copy of plaint (Annexure P-7), perusal whereof reveals that defendants No.1 to 10 are the contesting defendants, whereas, defendants No.11 to 19 are the proforma defendants.

In the given circumstances, as evident from the order dated 09.05.2024, all the contesting respondents had made appearance. However, written statement had not been filed on behalf of defendant No.10.



CR-3059-2024

On query by the Court, it is disclosed that now the case is fixed before the Court below for 27.05.2024.

In view of the aforesaid fact situation, learned counsel submits that he shall be satisfied, if some effective order is passed on the application under Order 39 Rule 1 and 2 CPC, may be an interim order only, till filing of written statement on behalf of defendant No.10.

In view of the submission, so made, the present revision petition is hereby disposed of with a request to the Court below, to pass any effective order on the application under Order 39 Rule 1 and 2 CPC and decide the same, if convenient, or to pass an interim order, in accordance with law, till filing of written statement by defendant No.10.

20.05.2024
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No