



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR-3070-2024

Date of Decision: 18.05.2024

Hari Bhan Singh

...Petitioner

Versus

Balbir Dutt Trehan

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Kanhiya Soni, Advocate,
for the petitioner.

VIKAS SURI, J. (ORAL)

1. Present civil revision petition under Article 227 of the Constitution of India has been filed for issuance of directions to learned Civil Judge (Junior Division), Dera Bassi, to decide the application moved by the petitioner under Order 39 Rule 1 and 2 CPC, in a time bound manner.
2. Learned counsel for the petitioner submits that along with the suit for permanent injunction, petitioner-plaintiff had filed an application under Order 39 Rule 1 and 2 CPC for grant of *ad interim* injunction, which application stands adjourned to 10.09.2024. It is submitted that the trial Court, while adjourning the case, has granted a long date, which will frustrate the very purpose of the said application. It is submitted that once an application has been filed seeking interim relief, then it is the bounden duty of the Court to decide the same expeditiously. In support of his



contentions, learned counsel for the petitioner has relied upon the order dated 16.05.2023 passed by a coordinate Bench in CR-3037-2023, titled as *Dharmender vs. Gram Panchayat village Asawarpur and others*. It is, thus, prayed that appropriate directions be given to the trial Court to decide the aforesaid application at an early date.

3. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

4. In the present case, the petitioner has filed an application seeking *ad interim* injunction along with his suit for permanent injunction. Notice of the suit and application was issued. The respondent-defendant put in appearance and sought time to file written statement as well as reply to the application. From the record, it transpires that while granting time to file written statement and reply to the application, the prayer for grant of *ad interim* injunction has been declined by observing that no ground has been made out for grant of *ad interim* injunction at that stage, i.e. before filing written statement and reply to the injunction application.

5. A perusal of the record shows that the order dated 15.05.2024 (Annexure P-4), wherein the aforesaid observations have been recorded, has not been impugned in the present petition. On the query of the Court, it is informed that till date no challenge has been raised to the aforesaid order. On the contrary, it is admitted by the petitioner in para 10 of the revision petition, that the respondent has stopped water supply to the tenanted premises and the petitioner is living without water since 09.05.2024. There



is no material on record to show that the petitioner has taken any steps to amend the suit, in view of subsequent developments, seeking appropriate relief. It is no longer *res integra* that the Court is under an obligation to pass appropriate orders either accepting or rejecting the prayer by passing a well reasoned order.

6. In the light of the above, the present civil revision petition is disposed of with liberty to the petitioner to move an appropriate application, before the trial Court, seeking preponement of the date of hearing in the application for *ad interim* injunction, which now stands adjourned to 10.09.2024. In case such an application is moved, the same would be considered in accordance with law, so that neither of the parties suffer any prejudice due to the delay and decide the same on its merits.

7. Disposed of with the aforesaid observations.

May 18, 2024
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(VIKAS SURI)
JUDGE

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