



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3441 of 2024
Date of Decision: 30.05.2024

Shalini Agarwal
.....Revisionist-Petitioner.

Versus

Resident Welfare Association, Palwal and others
.....Respondents.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Akshay Bhan, Senior Advocate with
Mr. Aman Bansal, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as ‘the plaintiff’) has laid challenge to the orders (Annexures P-8 & P-9) handed down by learned Civil Judge (Junior Division), Palwal (for short ‘the trial Court’) on 22.04.2024 and 29.04.2024 respectively, in ***Civil Suit No.474 of 2024*** titled as ‘***Shalini Agarwal Vs. Residents Welfare Association & others***’, whereby her prayer for the grant of relief of *ad-interim* injunction has been declined without deciding the application, Annexure P-5, moved by her under Order 39 Rules 1 & 2 read with Section 151 CPC.

2. I have heard learned Senior counsel for the petitioner-plaintiff, at the preliminary stage, in the present revision-petition and have gone through the file carefully.



3. A bare perusal of both the above-mentioned impugned orders, i.e Annexures P-8 & P-9, makes it explicit that the afore-referred application is still pending adjudication. In these circumstances, this Court is of the considered opinion that it would be in the fitness of the things and the interest of justice will also be best served if the trial Court is directed to decide the above-said application on merits, at the earliest possible.

4. Resultantly, without issuing notice to the respondents-defendants so as to avoid any further delay in the adjudication of the afore-mentioned application and also to avert the expenses that they (defendants) may have to incur to defend in the instant petition and without commenting or expressing any opinion on the merits of the above-referred application (Annexure P-5) as well as the Civil Suit, the revision-petition in hand is, hereby, disposed of with direction to the concerned trial Court to decide the application under reference, in accordance with law, preferably up to 18.07.2024.

5. It is also clarified here that in the eventuality of the respondents-defendants feeling aggrieved by this order, they shall be at liberty to move the appropriate application to contest the present revision-petition.

May 30, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*