

2024:PHHC:083239



S. No.117

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

CR No.3710 of 2024

Date of Decision:05.07.2024

Gurwinder Singh and others

.....Petitioners

Vs.

Chanan Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

DEEPAK GUPTA, J. (Oral)

Petitioners are aggrieved by the order dated 27.03.2023 (Annexure P.8) passed by learned Civil Judge (Junior Division), Batala, whereby the defence for filing reply to the application under Order 39 Rule 2A CPC has been struck off during proceedings of Civil Suit titled “Chanan Singh Vs. Gurwinder Singh and another”.

Learned counsel for the petitioners contends that respondent No.1- Chanan Singh filed a Civil Suit seeking a decree of permanent injunction against two defendants (petitioners No.1 and 2 herein). That suit was being hotly contested by petitioners No.1 and 2 by filing written statement and the counter claim. However, the plaintiff filed an application under Order 39 Rule 2A CPC (Copy Annexure P.6) not only against the two defendants (petitioners No.1 and 2) but also seven others, who include petitioners No.3 to 5. Learned counsel contends that since the suit was being hotly contested by petitioners No.1 and 2, there was no question of not filing reply to the application under Order 39 Rule



2A CPC. However, it is due to the negligence of Shri P.S. Ghuman, Advocate, who was earlier engaged by the petitioners that the reply was not filed. Learned counsel pray for granting one opportunity to file the reply.

After perusing the paper book and considering the contentions raised by the learned counsel for the petitioners, the impugned order dated 27.02.2023 is hereby set aside. The trial Court is directed to provide one opportunity to the petitioners to file the reply to the application filed under Order 39 Rule 2A and Section 151 CPC. However, this is subject to ₹10,000/- as costs to be paid by the petitioners by way of demand draft to the plaintiff/ respondent No.1.

Since this order has been passed without serving any notice to the contesting respondent, therefore, he will be at liberty to approach this Court, in case he is aggrieved by this order.

July 05, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No