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2024:PHHC:037863

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4866-2019 (O&M)
Date of Decision: 15.03.2024

DAANISH SANDHU (MINOR)

....Petitioner

VERSUS

BIRINDER SANDHU AND OTHERS

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Akshay Bhan, Senior Advocate with
Ms. Ritam Aggarwal, Advocate
for the applicant-petitioner.

Mr. Rajiv Kataria, Advocate,
Mr. Divjot Singh Chadha, Advocate
Ms. Deepshikha Arora, Advocate
for the respondents.

VIKAS SURI, J. (Oral)

1. Present revision petition preferred under Article 227 of the Constitution of India by the plaintiff-petitioner is directed against order dated 18.07.2019 (Annexure P-5) passed by learned Civil Judge (Junior Division), Chandigarh, which is in two parts. The first part of the said order whereby the application filed by defendant seeking direction to supply copy of the amended suit along with documents has been disposed of, has not been challenged. The instant revision present petition is directed against that part of the impugned order whereby the plaintiff-petitioner's request for grant of status quo stood declined.

2. Learned counsel for the petitioner submitted that the application filed under Order 39 Rules 1 and 2 CPC seeking temporary injunction is still pending consideration. The grievance raised by the plaintiff-petitioner before this Court is only with regard to the observation regarding denial of the request for grant of ad interim *status quo*.

3. Notice of motion was issued in the present revision petition vide order dated 17.08.2019 and the parties were directed to maintain *status quo* regarding alienation of the suit property. The present revision petition is pending consideration in this Court since 17.08.2019 and the interim order is being extended from time to time. Sh. Rajiv Kataria, Advocate, representing the respondents submits that plaintiff-petitioner is not advancing the arguments on the application under Order 39 Rules 1 and 2 CPC citing pendency of this revision petition and the matter is unnecessarily lingering on. The aforesaid submission was vehemently opposed by learned counsel for the petitioner. However, it is not disputed that the application under Order 39 Rules 1 and 2 CPC is still pending consideration before the trial Court.

4. Heard learned counsel for the parties and perused the record with their able assistance.

5. It is a matter of record that plaintiff has filed a suit for declaration to the effect that suit property is ancestral HUF property and the petitioner has 1/4th share in the said property and have sought consequential relief of permanent injunction.

6. Learned counsel for the parties are *ad idem* that the application filed by the plaintiff-petitioner under Order 39 Rules 1 and 2 CPC is still

pending consideration before the trial Court and it could have been finally decided in the meantime. It is also not disputed that the interim order of *status quo* passed by this Court vide order dated 17.08.2019, is continuing till date.

7. In view of above and taking into consideration all aspects of the matter, this Court is of the considered opinion that the present petition merits to be disposed of with a direction to the trial Court to decide the application under Order 39 Rules 1 and 2 CPC, in accordance with law, without being influenced by the observations made in the impugned order dated 18.07.2019 or the order dated 17.08.2019, passed by this Court, granting *status quo* regarding alienation of the suit property. However, till the disposal of the application under Order 39 Rules 1 and 2 CPC, on merits, the above noticed interim order passed by this Court will remain operative. This Court has no doubt that the trial Court would take that into consideration that the matter has been pending at the initial stage only for more than 4 years now and would endeavour for expeditiously disposing of the proceedings on merits, in accordance with law.

8. The present petition is disposed of in the aforesaid terms.

9. Pending applications, if any, also stand disposed of.

March 15, 2024

Sangeeta

(VIKAS SURI)
JUDGE

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No