



CR-5776-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5776-2024
Date of decision : 28.11.2024

Manjit and others

... Petitioners

Versus

Budhi Mata Sewa Samiti and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Karan Kaushal, Advocate
for the petitioners.

Mr.Sachin Gupta, Advocate
for respondent no.1 (through V.C.).

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.04.2024 passed by the Additional District Judge, Karnal, vide which the appeal preferred by the respondent-plaintiff has been allowed.
2. On 04.11.2024, this Court was pleased to pass the following order:-

“Inter alia contends that an application filed under Order 39 Rules 1 and 2 CPC has not been finally decided and vide order (Annexure P-3), the case was adjourned to 04.03.2024 for filing written statement and at that stage itself, status quo order was declined and in the appeal filed against the said order, the First Appellate Court had ordered the grant



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of status quo till the disposal of the suit and has thus, in effect, decided an application under Order 39 Rules 1 and 2 CPC without trial Court having first decided the said application. It is submitted that by virtue of the impugned order, even the right to appeal of a party who would be finally aggrieved with the order passed in application under Order 39 Rules 1 and 2 CPC has been taken away. It is submitted that at any rate, the impugned order deserves to be modified to the said extent.

Notice of motion for 20.11.2024.

Liberty is granted to the petitioners to serve the respondents through dasti process as well as through their counsel in the trial Court.

To be shown in the urgent list.

04.11.2024”

3. During the course of arguments, a consensus has been arrived at between the petitioners and contesting respondent no.1. With the consent of both the parties, the present petition is disposed of in the following terms:-

- i) The trial Court is requested to decide the application under Order 39 Rule 1 and 2 CPC, regarding which the pleadings have been completed and the same is now stated to be listed for 03.03.2025, as expeditiously as possible.
- ii) Till the time the said application under Order 39 Rule 1 and 2 CPC is decided, status quo as ordered by the Ist Appellate Court shall be maintained.
- iii) The trial Court would decide the application under Order 39 Rule 1 and 2 CPC independently on the basis of the pleadings of the parties after giving due opportunity to both



sides to represent their case and the same would be done uninfluenced by the observations made by the Ist Appellate Court. Even the grant of the interim order of status quo by this Court till the time the said application under Order 39 Rule 1 and 2 CPC is decided would not be construed as an expression on the merits and the application under Order 39 Rule 1 and 2 CPC would be considered independently, in accordance with law.

(VIKAS BAHL)
JUDGE

November 28, 2024.
Davinder Kumar

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