



CR-5851-2024

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

(129)

CR-5851-2024

Date of decision: - 04.10.2024

Pankaj Bansal

....Petitioner

Versus**Kulbhushan Jain**

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vansh Chawla, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.03.2019 (Annexure P-1) passed by the Civil Judge (Junior Division), Malerkotla whereby the application filed by the petitioner under Order 39 Rule 1 & 2 of CPC has been dismissed and an appeal therefrom has also been dismissed.

2. In the impugned order dated 09.09.2024 (Annexure P-2), it has been recorded by the Appellate Authority that the trial is almost at the fag end and is at the stage of rebuttal evidence.

3. Learned counsel for the petitioner has submitted that the present revision petition has been filed by the petitioner on the apprehension that the observations made in the impugned order while



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disposing of the application under Order 39 Rule 1 & 2 CPC as well as in the appeal therefrom may affect the final decision in the main case.

4 A perusal of the impugned order dated 09.09.2024 (Annexure P-2) passed by the Additional District Judge, Sangrur would show that it has been specifically observed therein that “Anything observed herein above shall have no bearing on the merits of the case for its final disposal”. It is a matter of settled law that the observations made in an application under Order 39 Rule 1 and 2 CPC as well as in the appeal therefrom are only for the purpose of considering the said application and the suit is to be finally adjudicated on the basis of the evidence and documents on record and thus, the apprehension of the petitioner is misconceived. At any rate, it is clarified that the trial Court would decide the main suit on the basis of the evidence and documents produced on record independent of the observations made in the impugned orders.

5. Accordingly, the present revision petition stands disposed of.

October 04, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No