

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7090-2023 (O&M)

Date of Decision : 09.01.2024

Labh Kaur

....Petitioner

VERSUS

Bishan Dass Dhupar & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. H.S.Saini, Advocate for the petitioner.

:-

SUDEEPTI SHARMA, J. (Oral)

1. Impugned in the present revision petition filed under Article 227 of the Constitution of India is the order dated 18.03.2023 (Annexure P-3), passed by the learned Trial Court, whereby application under Order 39 Rule 1 & 2 filed by the petitioner along with the Civil Suit No.266 of 2023 dated 09.03.2023 titled as 'Labh Kaur Vs. Bishan Dass and others' seeking grant of ex-parte ad-interim injunction restraining the respondents/defendants from further alienating any portion out of the suit property as described in the head note of the plaint has been rejected.

2. Learned counsel for the petitioner contends that in the impugned order an opportunity of being heard is granted to the opposite party and the case was adjourned to 31.03.2023. Learned counsel further contends that till date the application has not been decided.

3. I have heard learned counsel for the petitioner.

4. Perusal of impugned order dated 18.03.2023 (Annexure P-3) reveals that an ex-parte injunction was declined by the Trial Court at the first instance on the ground that an opportunity of being heard must be

granted to the opposite party and the case was adjourned for service of defendants and now the case is fixed for 19.01.2024 for service of defendant No.1 and also for filing written statement/reply by defendant No.4.

5. In view of the above, this Court is of the considered view that the present petitioner should make strenuous efforts to get the service of defendant No.1 effected by 19.01.2024 and thereafter on filing of written statement/reply to the application under Order 39 Rule 1 CPC, the Trial Court is directed to decide it expeditiously, preferably within a period of three weeks on completion of service upon defendant viz-a-viz filing of the reply by the contesting respondents.

6. The petition is disposed of. Pending applications, if any, also stand disposed off.

January 09, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No