



CR-7391-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7391-2023
Date of decision : 10.12.2024

Sushil Dutt

... Petitioner

Versus

Vikas Raheja

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Govind Chauhan, Advocate
for the petitioner.

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 06.11.2020 (Annexure P-10) passed by the Civil Judge (Jr.Div.), Karnal and the impugned order dated 05.10.2023 (Annexure P-11) passed by the Additional District Judge, Karnal, vide which the application under Order 39 Rules 1 and 2 CPC filed by the petitioner has been dismissed and the application filed by the counter claimant-respondent has been allowed and injunction has been granted against the petitioner.
2. Learned counsel for the petitioner has submitted that since the suit is of the year 2019 and the impugned order was passed by the trial Court in the year 2020, thus, at this stage, he would limit his prayer to two aspects. The first prayer made by the petitioner is that the trial Court be



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requested to decide the suit as well as the counter claim, as expeditiously as possible. The second prayer made by the petitioner is that the case be decided dehors of the observations made in the impugned orders.

3. It is a matter of settled law that the observations made in the order passed in the application under Order 39 Rule 1 and 2 CPC are only for the purpose of deciding such application and the main suit is to be decided independently on the basis of evidence and documents on record. Moreover, the trial Court in its order dated 06.11.2020 has clarified that nothing stated in the order is a comment on the merits of the case of either the plaintiff or the counter claimant.

4. Keeping in view the abovesaid facts and circumstances and also the fact that the present suit is of the year 2019, the present petition is disposed of with a request to the trial Court to decide the suit as well as the counter claim, as expeditiously as possible, and the said suit and counter claim would be decided dehors of the observations made in the impugned orders.

(VIKAS BAHL)
JUDGE

December 10, 2024.
Davinder Kumar

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