



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CR-7195-2024
Date of Decision: 16.12.2024

Ritika

....Petitioner

Versus

Seema and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in this revision petition under Article 227 of the Constitution of India filed by the plaintiff-petitioner is for setting aside order dated 27.11.2024 (Annexure P-9), whereby the application seeking preponement of hearing and to decide the application for temporary injunction filed along with the appeal preferred against the order passed by the trial Court under Order 7 Rule 11 Code of Civil Procedure, 1908 (for short, 'CPC'), rejecting the plaint, has been declined.
2. At the very outset, learned counsel for the petitioner submits that petitioner would be satisfied at this stage, in case a direction is issued to the first Appellate Court to consider and decide the application for temporary injunction expeditiously, on the date already fixed before it.
3. Heard learned counsel for the petitioner and perused the paper-book.



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4. The aforesaid prayer in the alternative made on behalf of the petitioner, appears to be fair and reasonable, on the face of it, which requires favourable consideration by this Court.

5. Perusal of the paper book would show that the plaintiff-petitioner filed a suit seeking declaration and permanent injunction. Upon notice, defendant Nos.4 and 5 (respondent-bank) caused appearance and moved an application under Order 7 Rule 11 CPC seeking rejection of the plaint. The said application was allowed vide order dated 15.04.2024 and resultantly, the plaint was rejected. Aggrieved by the aforesaid order, plaintiff-petitioner preferred an appeal under Section 96 CPC. An application for temporary injunction was also moved along with the said appeal, which is stated to be pending for 27.01.2025. Petitioner moved an application for early hearing and to decide the application for temporary injunction filed on behalf of the applicant-appellant. The said application stands dismissed vide impugned order dated 27.11.2024. At the preliminary hearing, learned counsel for the petitioner does not raise challenge to the impugned order and in the alternative, has made the above noticed prayer.

6. Further, the application for temporary injunction would show that no prayer for *ex parte ad interim* injunction has been made therein.

7. Accordingly, the present revision petition is disposed of with a direction to the first Appellate Court to take up the stay matter and the same be disposed of expeditiously, as per law. The petitioner shall be at liberty to apply for *ad interim* injunction and on doing so, the same be disposed of, in accordance with law on 27.01.2025, i.e. the date already fixed before it.



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8. The revision petition is disposed of the aforesaid terms.

December 16, 2024
Varinder

(VIKAS SURI)
JUDGE

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