



CR-1047-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(322)

CR-1047-2024

Date of decision: - 11.12.2025

Sushila Kumari

....Petitioner

Versus

Rajbir Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ravinder Phogat, Advocate
for the petitioner.Mr. K.S. Lakhanpal, Advocate
for Mr. Rakesh Gupta, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 02.02.2021 passed by the Additional District Judge, Charkhi Dadri (Annexure P-2) whereby civil miscellaneous appeal filed by the respondent/plaintiff against the order dated 19.10.2020 (Annexure P-1) has been allowed.

2. Learned counsel for the respondent has submitted that in the present case, the suit was filed in the year 2020 and the 1st Appellate Court had only allowed the injunction application filed by the plaintiff to the extent that the parties to the appeal shall maintain status quo with

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regard to further construction over the suit property till disposal of the suit. It is further submitted that in case the said order is maintained, then, the respondent would fully assist the trial Court in the expeditious disposal of the matter.

3. Learned counsel for the petitioner has submitted that the trial Court be directed to decide the suit expeditiously, independent of the observations made by the Appellate Court in the order dated 02.02.2021 (Annexure P-2).

4. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as on behalf of the respondent, the present revision petition is disposed of with a request to the trial Court to decide the main suit as expeditiously as possible and the said suit be decided independently on the basis of the evidence produced by both the parties dehors the observations made in the order dated 02.02.2021.

5. Learned counsel for the petitioner has brought to the notice of this Court that by virtue of the order dated 02.02.2021, both the parties to the appeal were directed to maintain status quo regarding further construction over the suit property but after the passing of the said order, the respondent has raised construction. It is submitted that the present order should not come in the way of the petitioner from filing an application under Order 39 Rule 2A of CPC.

6. Learned counsel for the respondent has submitted that in case any such application is filed, then, liberty be also granted to the

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respondent to raise all pleas as are available to him in law.

7. Needless to say that the passing of the present order would not come in the way of either of the parties from moving an application under Order 39 Rule 2A of CPC and in case any of the parties move any such application, it would be open to both the parties to raise all pleas as are available to them in law and the trial Court would consider the same independently, in accordance with law.

December 11, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No